



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Supplementary

115 Transfer of property, rights and liabilities

- (1) The Secretary of State may by order make provision for the transfer of property, rights and liabilities [^{F1}(including criminal liabilities)] for the purposes of, or in consequence of, an order under this Part or for giving full effect to such an order.
- (2) Property, rights and liabilities may be transferred by—
 - (a) the order,
 - (b) a scheme made by the Secretary of State under the order, or
 - (c) a scheme required to be made under the order by a person other than the Secretary of State.
- (3) A transfer by virtue of this section may have effect—
 - (a) whether or not the property, rights and liabilities would otherwise be capable of being transferred;
 - (b) without any instrument or formality being required.
- (4) The rights and liabilities which may be transferred by virtue of this section include rights and liabilities in relation to a contract of employment.
- (5) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer by virtue of this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 115. (See end of Document for details)

- (6) An order under this section or a scheme made under it may define the property, rights and liabilities to be transferred by specifying or describing them.
- (7) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred;
 - (b) for the shared ownership or use of any property or facilities;
 - (c) for the management or custody of transferred property;
 - (d) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.
- (8) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the continuing effect of things done by the transferor in relation to anything transferred;
 - (b) for the continuation of things (including legal proceedings) in the process of being done, by or on behalf of or in relation to the transferor in relation to anything transferred;
 - (c) for references to the transferor in any agreement (whether written or not), instrument or other document in relation to anything transferred to be treated (so far as necessary for the purposes of or in consequence of the transfer) as references to the transferee.

Textual Amendments

- F1** Words in [s. 115\(1\)](#) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [s. 25\(2\)](#), [Sch. 5 para. 27](#)

Commencement Information

- I1** S. 115 in force at 12.1.2010 by [S.I. 2009/3318](#), [art. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 115.