



Localism Act 2011

2011 CHAPTER 20

PART 1

LOCAL GOVERNMENT

CHAPTER 4

TRANSFER AND DELEGATION OF FUNCTIONS TO CERTAIN AUTHORITIES

17 Transfer schemes

- (1) The Secretary of State may make a scheme for the transfer of property, rights or liabilities from the person who, or body which, would have a local public function but for an order under section 15 to the [F1EPB] to which the function is transferred.
- (2) A Minister of the Crown may make a scheme for the transfer from the Crown to a permitted authority of such property, rights or liabilities as the Minister of the Crown considers appropriate in consequence of a delegation, or the variation of a delegation, under section 16 of a function of any Minister of the Crown to the permitted authority.
- (3) A Minister of the Crown may make a scheme for the transfer from a permitted authority to the Crown of such property, rights or liabilities as the Minister of the Crown considers appropriate in consequence of a variation or revocation of a delegation under section 16 of a function of any Minister of the Crown to the permitted authority.
- (4) The things that may be transferred under a transfer scheme include—
 - (a) property, rights or liabilities that could not otherwise be transferred;
 - (b) property acquired, or rights or liabilities arising, after the making of the order.
- (5) A transfer scheme may make consequential, supplementary, incidental and transitional provision and may in particular make provision—
 - (a) for a certificate issued by a Minister of the Crown to be conclusive evidence that property has been transferred;

Status: Point in time view as at 28/03/2016.

Changes to legislation: Localism Act 2011, Section 17 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) creating rights, or imposing liabilities, in relation to property or rights transferred;
 - (c) about the continuing effect of things done by or in relation to the transferor in respect of anything transferred;
 - (d) about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred;
 - (e) for references to the transferor in an instrument or other document relating to anything transferred to be treated as references to the transferee;
 - (f) for the shared ownership or use of property;
 - (g) that has the same or similar effect as the TUPE regulations (so far as those regulations do not apply in relation to the transfer).
- (6) A transfer scheme may provide—
- (a) for modification by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (7) For the purposes of this section—
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual's employment in the civil service are to be regarded as constituting the terms of the contract of employment.
- (8) In this section—
- “civil service” means the civil service of the State;
 - “transferee”, in relation to a transfer scheme, means the person to whom property, rights or liabilities are transferred by the scheme;
 - “transferor”, in relation to a transfer scheme, means the person from whom property, rights or liabilities are transferred by the scheme;
 - “transfer scheme” means a scheme for the transfer of property, rights or liabilities under subsection (1), (2) or (3);
 - “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246);
 - references to rights and liabilities include rights and liabilities relating to a contract of employment;
 - references to the transfer of property include the grant of a lease.

Textual Amendments

- F1** Word in s. 17(1) substituted (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. 34](#)

Commencement Information

- II** S. 17 in force at 15.1.2012 by [S.I. 2012/57, art. 4\(1\)\(a\)](#) (with [arts. 6, 7, arts. 9-11](#))

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