



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 5

#### SUPPORT ETC FOR CERTAIN CATEGORIES OF MIGRANT

##### *Transfer of responsibility for relevant children*

#### **72 Scheme for transfer of responsibility for relevant children**

- (1) The Secretary of State may prepare a scheme for functions of, or which may be conferred on, a local authority in England (“the transferring authority”) to become functions of, or functions which may be conferred on, one or more other local authorities in England (a “receiving authority”) in accordance with arrangements under section 69.
- (2) A scheme under this section—
  - (a) must specify the local authorities to which it relates, and
  - (b) unless it relates to all relevant children who may be the subject of arrangements under section 69 between the transferring authority and each receiving authority, must specify the relevant child or children, or descriptions of relevant children, to which it relates.
- (3) The Secretary of State may direct the transferring authority and each receiving authority under a scheme under this section to comply with the scheme.
- (4) A direction may not be given under subsection (3) unless the Secretary of State is satisfied that compliance with the direction will not unduly prejudice the discharge by each receiving authority of any of its functions.
- (5) Before giving a direction under subsection (3) to a local authority, the Secretary of State must give the authority notice in writing of the proposed direction.
- (6) The Secretary of State may not give a direction to a local authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The local authority may make written representations to the Secretary of State about the proposed direction within that period.
- (8) The Secretary of State may modify or withdraw a direction under subsection (3) by notice in writing to the local authorities to which it was given.
- (9) A modification or withdrawal of a direction does not affect any arrangements made under section 69 pursuant to the direction before it was modified or withdrawn.
- (10) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—
  - (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
  - (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the local authorities to which it applies.
- (11) In this section “local authority” and “relevant child” have the same meanings as in section 69.