
STATUTORY INSTRUMENTS

2012 No. 534

URBAN DEVELOPMENT, ENGLAND

The Thurrock Development Corporation (Transfer of Property, Rights and Liabilities) Order 2012

<i>Made</i>	- - - -	<i>27th February 2012</i>
<i>Laid before Parliament</i>		<i>2nd March 2012</i>
<i>Coming into force</i>	- -	<i>31st March 2012</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 165B of the Local Government, Planning and Land Act 1980⁽¹⁾.

In accordance with section 165B(5) of that Act the Secretary of State has consulted Thurrock Borough Council (being the local authority in whose area the relevant urban development area is situated).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Thurrock Development Corporation (Transfer of Property, Rights and Liabilities) Order 2012 and shall come into force on 31st March 2012.

(2) In this Order—

“commencement date” means the date on which this Order comes into force;

“the Corporation” means Thurrock Development Corporation; and

“the Council” means Thurrock Borough Council.

Transfer of property, rights and liabilities

2.—(1) All property rights and liabilities vested in the Corporation on the commencement date are transferred to the Council on that date.

(2) Paragraph (1) does not apply to the property, rights and liabilities specified in the retained list.

(1) [1980 c. 65](#). Section 165B was inserted by section 143(1) of the Housing Grants, Construction and Regeneration Act [1996 \(c. 53\)](#) and amended by section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. The functions of the Secretary of State under section 165B are now exercisable by the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)), article 2; *see* the entry in Schedule 1 for the Local Government, Planning and Land Act 1980. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#) they were transferred to the Welsh Ministers.

(3) Any property, rights and liabilities remaining vested in the Corporation immediately before the dissolution date are transferred to the Council on that date.

(4) In this article a reference to property, rights and liabilities does not include rights and liabilities in relation to a pension scheme established under section 7 of the Superannuation Act 1972(2).

(5) Nothing in this article transfers to the Council rights and liabilities under a contract of employment.

(6) In this article—

“dissolution date” means the date on which the Corporation is dissolved by order under section 166(3) of the Local Government, Planning and Land Act 1980; and

“retained list” means the document “Property, rights and liabilities retained by Thurrock Development Corporation for the purposes of preparing its final accounts and report and winding up its affairs” dated 23rd February 2012, a copy of which has been deposited in the offices of the Secretary of State(4).

Transfer of rights and liabilities under contracts of employment

3.—(1) On the commencement date the rights and liabilities vested in the Corporation under the contracts of employment of the transferring employees are transferred to the Council.

(2) The transfer by virtue of paragraph (1) is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006(5).

(3) Paragraph (1) does not affect the operation of those Regulations in relation to that transfer.

(4) In this article “transferring employee” means any person who, immediately before the commencement date, was employed by the Corporation in one of the posts listed in the Schedule to this Order.

Transfers: further provision

4. A transfer under this Order operates in relation to property, rights and liabilities—

- (a) whether or not they would otherwise be capable of being transferred;
- (b) without any instrument or other formality being required; and
- (c) irrespective of any requirement for consent that would otherwise be required.

Signed by authority of the Secretary of State for Communities and Local Government

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local
Government

27th February 2012

(2) [1972 c. 11](#).

(3) Section 166 was amended by section 180 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 143(5) of the Housing Grants, Construction and Regeneration Act 1996 (c. 53) and S.I. 1998/85.

(4) The document is available for inspection at the following address: The Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU.

(5) [S.I. 2006/246](#).

SCHEDULE

Article 3(4)

Transferring Employees

Director of Planning and Strategy
Personal Assistant to the Director of Planning and Strategy
Assistant Director of Planning and Strategy
Planning Development Officer
Urban Designer
Senior Planning Support and Technical Officer
Planning Support Officer
Assistant Director of Resources
Programme Manager (PRIDe)
Project Support Officer (PRIDe)
Assistant Director of Delivery (Land and Property)
Delivery Manager
Assistant Director of Delivery (Major Projects)
Project Support Officer

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to Thurrock Borough Council (“the Council”) any residual property, rights and liabilities of Thurrock Development Corporation (“the Corporation”) (article 2). It is proposed that the Corporation will be dissolved on 31st October 2012.

Article 2(3) provides that the property, rights and liabilities which the Corporation needs to discharge its remaining functions are not transferred to the Council until the Corporation is dissolved.

Article 3 and the Schedule to this Order transfer to the Council the rights and liabilities under the contracts of employment of the specified employees.

No Impact Assessment has been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.