

*These notes refer to the Public Bodies Act 2011 (c.24)  
which received Royal Assent on 14th December 2011*

# **PUBLIC BODIES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### **Part 1: General Order-Making Powers**

##### ***Section 23: Transfer schemes***

63. **Section 23** confers a power to make a scheme to transfer property, rights and liabilities on Ministers in connection with an order under sections 1 to 5, and on Welsh Ministers in connection with an order under sections 13 and 14. In the case of a scheme under *subsection (1)(a)* (schemes made by a Minister), the transfer of property, rights and liabilities must be to an eligible person or any body corporate unless constitutional or funding arrangements are being modified under sections 3 or 4, in which case the transfer must be to a Minister. In the case of a scheme under made by the Welsh Ministers under *subsection (1)(b)*, the transfer must be to the Welsh Ministers, a person exercising Welsh devolved functions or a body corporate.
64. *Subsection (6)* lists supplementary, incidental and transitional provision that may be made by a transfer scheme. These include making provision the same as or similar to the TUPE regulations (the [Transfer of Undertakings \(Protections of Employment\) Regulations 2006 \(S.I. 2006/246\)](#)). *Subsection (8)* makes provision in relation to individuals holding employment in the civil service.