



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 ^{F1}... (“the transferring authority”) to become functions of, or functions which may be conferred on, one or more other local authorities in [^{F2}the same part of the United Kingdom] (a “receiving authority”) in accordance with arrangements under section [^{F3}69(2)].

[^{F4}(1A) The Secretary of State may prepare a scheme in relation to a local authority to which section 69 applies (“the transferring authority”) and one or more other local authorities in one or more other parts of the United Kingdom (“a receiving authority”) having the effects mentioned in section 69(3B).]

(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.

Changes to legislation: Immigration Act 2016, Section 72 is up to date with all changes known to be in force on or before 17 July 2023. 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) View outstanding changes

- (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.
- (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” [^{F5}, “relevant child” and “part of the United Kingdom”] have the same meanings as in section 69.

Textual Amendments

- F1** Words in s. 72(1) omitted (7.2.2018) by virtue of [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **6(2)(a)**
- F2** Words in s. 72(1) substituted (7.2.2018) by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **6(2)(b)**
- F3** Word in s. 72(1) substituted (7.2.2018) by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **6(2)(c)**
- F4** S. 72(1A) inserted (7.2.2018) by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **6(3)**
- F5** Words in s. 72(11) substituted (7.2.2018) by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **6(4)**

Modifications etc. (not altering text)

- C1** Ss. 69-72 extended to Scotland and Northern Ireland (as well as to England and Wales) by virtue of [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, 2(a)

Commencement Information

- I1** S. 72 in force at 31.5.2016 by [S.I. 2016/603](#), **reg. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)