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**Changes to legislation:** There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Cross Heading: Local Democracy, Economic Development and Construction Act 2009. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Local Democracy, Economic Development and Construction Act 2009*

- 17 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- 18 (1) Section 91 (exercise of local authority functions) is amended as follows.
- (2) In subsection (1), after “an area” insert “ all or part of which is ”.
- (3) In subsection (4)—
- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert—
- “(c) for the function to be exercisable by the EPB and the local authority jointly, or
- (d) for the function to be exercisable by the EPB jointly with the local authority but also continue to be exercisable by the local authority alone.”
- 19 In section 104 (constitution and functions: transport), after subsection (2) insert—
- “(2A) But section 85 of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2B) and (2C).
- (2B) If the area of the combined authority includes the area of the whole of a county that comprises the areas of one or more district councils, the representative councils for the purposes of section 85(1)(c) of that Act (as applied to a combined authority) are either the county council or the council for each of the districts (as determined by or in accordance with the order).
- (2C) In relation to a mayoral combined authority, section 85(4) of that Act is not to be taken as preventing the mayor from being a voting member of the authority.
- (2D) An order under subsection (1)(c) may include provision for a function exercisable by a local authority in relation to an area all or part of which is comprised in the combined authority's area to be exercisable by the combined authority in relation to the combined authority's area.”
- 20 In section 106 (changes to boundaries of combined authority's area), in subsection (2) omit “and” at the end of paragraph (a).
- 21 (1) Section 107 (dissolution of combined authority's area) is amended as follows.
- (2) In subsection (2)—
- (a) for “only if a majority” substitute “only if—

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- (a) a majority”;
  - (b) after “the order” insert “, and
    - (b) in the case of an order made in respect of a mayoral combined authority, the mayor for the area of the authority also consents to the making of the order.”
- (3) After subsection (4) insert—
- “(4A) The order—
- (a) may transfer functions from the combined authority to any other public authority;
  - (b) may provide for any function of the combined authority to no longer be exercisable in relation to the combined authority's area.”
- 22 In section 111 (review by authorities: existing combined authority), in subsection (3)(a), for “any of sections 104 to 107” substitute “ section 104, 105, 106 or 107 ”.
- 23 In section 112 (preparation and publication of scheme: existing combined authority), in subsection (1), for “sections 104 to 107” substitute “ sections 104, 105, 106 and 107 ”.
- 24 In section 113 (requirements in connection with changes to existing combined arrangements), after subsection (3) insert—
- “(4) This section does not apply to an order under section 106(1)(b) that is made as a result of the duty in section 105B(5) or 107B(4).”
- 25 In section 113A (general power of EPB or combined authority), after subsection (3) insert—
- “(4) This section does not apply in relation to a combined authority in respect of which an order under section 113D has effect.”
- 26 (1) Section 114 (incidental etc. provision) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- (3) Omit subsection (2).
- (4) In subsection (3), for “by virtue of subsection (2)” substitute “ in an order under this section by virtue of section 117(5) ”.
- 27 In section 115 (transfer of property, rights and liabilities), in subsection (1) after “liabilities” insert “ (including criminal liabilities) ”.
- 28 In section 116 (consequential amendments), after subsection (1) insert—
- “(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the references to the Secretary of State were references to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- 29 (1) Section 117 (orders) is amended as follows.
- (2) After subsection (1) insert—

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“(1A) An order under this Part may make different provision for different authorities or descriptions of authority or otherwise for different purposes.”

(3) After subsection (4) insert—

“(5) An order under any provision of this Part, other than an order under section 116 or an order mentioned in subsection (2A)(a) or (b), may include provision amending, applying (with or without modifications), disapplying, repealing or revoking any enactment whenever passed or made.”

30 (1) In section 120 (interpretation)—

(a) after the definition of “combined authority” insert—

““deputy mayor” has the meaning given by section 107C(7);

“general functions” has the meaning given by section 107D(2);”;

(b) after the definition of “local government area” insert—

““mayor”, in relation to the area of a combined authority, means the mayor for the area of the authority by virtue of an order under section 107A(1);

“mayoral combined authority” has the meaning given by section 107A(8);

“PCC functions” has the meaning given by section 107F(3);”.

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