



# Cities and Local Government Devolution Act 2016

## 2016 CHAPTER 1

*Combined and local authorities: governance, constitution and functions etc*

### **15 Governance arrangements etc of local authorities in England**

- (1) The Secretary of State may by regulations make provision about—
  - (a) the governance arrangements of local authorities;
  - (b) the constitution and membership of local authorities under Part 1 of the Local Government Act 1972;
  - (c) the structural and boundary arrangements, or electoral arrangements, in relation to local authorities under Part 1 of the Local Government and Public Involvement in Health Act 2007 or under Part 3 of the Local Democracy, Economic Development and Construction Act 2009.
- (2) In subsection (1) “governance arrangements” means the executive arrangements, committee system or prescribed arrangements operated by a local authority under Part 1A of the Local Government Act 2000.
- (3) Regulations under this section may in particular make provision—
  - (a) about how the enactments mentioned in subsection (1) or (2) are to apply in relation to particular cases (including by disapplying the application of any such enactment to a particular case or applying it subject to any variations that are specified in the regulations);
  - (b) about any of the matters listed in section 11(3) or (4) of the Local Government and Public Involvement in Health Act 2007 (including provision in relation to matters of a kind mentioned in section 12 of that Act).

Nothing in paragraph (a) limits the power to make provision under subsection (9)(d).

- (4) Regulations under this section may be made only with the consent of the local authorities to whom the regulations apply (subject to subsection (5)).

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*Changes to legislation: There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Section 15. (See end of Document for details)*

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- (5) Regulations under this section, so far as including structural or boundary provision in relation to a non-unitary district council area, may be made if at least one relevant local authority consents.
- (6) “Relevant local authority” means—
- (a) a non-unitary district council whose area is, or forms part of, the non-unitary district council area;
  - (b) a county council whose area includes the whole or part of the non-unitary district council area.
- (7) For the purposes of subsections (5) and (6)—
- “non-unitary district council area” means the area or areas of one or more non-unitary district councils;
  - “non-unitary district council” means a district council for an area for which there is also a county council;
  - “structural or boundary provision” means provision about the structural or boundary arrangements of local authorities in regulations made by virtue of subsection (1)(c).
- (8) Subsections (5) to (7) expire at the end of 31st March 2019 (but without affecting any regulations already made under this section by virtue of subsection (5)).
- (9) The power to make regulations under this section—
- (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes;
  - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
  - (d) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before this Act or in the same Session.
- (10) Section 15 of the Local Government and Public Involvement in Health Act 2007 (power to transfer functions, property etc as part of incidental etc provision) applies in relation to subsection (9)(c) above as it applies in relation to sections 13 and 14 of that Act.
- (11) A statutory instrument containing regulations under this section may be made only if a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (12) At the same time as laying a draft of a statutory instrument containing regulations under this section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (13) The report must include—
- (a) a description of any consultation taken into account by the Secretary of State,
  - (b) information about any representations considered by the Secretary of State in connection with the regulations, and
  - (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.

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- (14) If a draft of regulations under this section would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.
- (15) In this section “local authority” means a county council in England, a district council or a London borough council.

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**Commencement Information**

**II** S. 15 in force for certain purposes at Royal Assent and at 28.3.2016 otherwise by s. 25(2)(a)(b)

**Changes to legislation:**

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