



# Sustainable Communities Act 2007

## 2007 CHAPTER 23

### [<sup>F1</sup>5B Power to make regulations

- (1) The Secretary of State may make regulations about proposals made in response to an invitation issued on or after the day on which the Sustainable Communities Act 2007 (Amendment) Act 2010 comes into force.
- (2) Regulations under this section must—
  - (a) require the Secretary of State to consider each proposal and to decide—
    - (i) whether to implement the proposal, and
    - (ii) if the Secretary of State thinks that it should be implemented, whether to implement it in whole or in part, and
  - (b) require the Secretary of State—
    - (i) to publish a decision, in relation to each proposal, as to whether it will be implemented or not and, if it is to be implemented, whether in whole or in part,
    - (ii) where the proposal, or part of the proposal, is to be implemented, to specify the action to be taken, and
    - (iii) to give reasons for the decision.
- (3) Regulations under this section may, in particular, include provision—
  - (a) requiring a local authority to take specified steps before making a proposal (which may, in particular, include a requirement to consult or otherwise involve the council of any parish which is wholly or partly within the local authority's area, or to consult local persons);
  - (b) specifying the way in which consultation required by the regulations is to be carried out;
  - (c) requiring a local authority to try to reach agreement with persons consulted under the regulations;
  - (d) requiring a local authority to have regard to guidance issued by the Secretary of State;
  - (e) about the making of petitions, in relation to a proposal or a suggestion for a proposal, to a local authority by local persons;
  - (f) about the form, content and timing of proposals;

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*Changes to legislation: There are currently no known outstanding effects for the Sustainable Communities Act 2007, Section 5B. (See end of Document for details)*

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- (g) enabling the Secretary of State to appoint one or more persons to advise the Secretary of State in relation to proposals, or to prepare a short-list of proposals for consideration by the Secretary of State;
  - (h) enabling the Secretary of State to specify one or more persons who must be consulted, and with whom the Secretary of State must try to reach agreement, before making a decision in relation to a proposal;
  - (i) about the manner in which the Secretary of State's decisions are to be published;
  - (j) requiring the Secretary of State to publish and lay before Parliament a report describing the progress which has been made in relation to implementation of proposals.
- (4) In subsection (3) “ local person ”, in relation to a local authority, means a person who lives, works or studies in the local authority's area.
- (5) Before making regulations under this section, the Secretary of State must consult—
- (a) local authorities, and
  - (b) such other persons who represent the interests of local authorities as the Secretary of State thinks fit.
- (6) A reference in this section to a local authority is to be treated, where an order has been made under section 5C specifying persons or classes of person who may make proposals under this Act, as including a reference to those persons or classes of person.]

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**Textual Amendments**

**F1** Ss. 5A-5D inserted (8.6.2010) by [Sustainable Communities Act 2007 \(Amendment\) Act 2010 \(c. 21\)](#), [ss. 2\(2\), 3\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Sustainable Communities Act 2007, Section 5B.