Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

An Act to make provision for the purposes of promoting public involvement in relation to local authorities and other public authorities; to make provision about bodies representing the interests of tenants; to make provision about local freedoms and honorary titles; to make provision about the procedures of local authorities, their powers relating to insurance and the audit of entities connected with them; to establish the Local Government Boundary Commission for England and to make provision relating to local government boundary and electoral change; to make provision about local and regional development; to amend the law relating to construction contracts; and for connected purposes. [12th November 2009]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

PART 1

DEMOCRACY AND INVOLVEMENT

PROSPECTIVE

CHAPTER 1

DUTIES RELATING TO PROMOTION OF DEMOCRACY

Duties of principal local authorities

F1 1 Democratic arrangements of principal local authorities

. . . . . .

Textual Amendments
F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 2 Democratic arrangements of connected authorities

. . . . . .

Textual Amendments
F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 3 Monitoring boards, courts boards and youth offending teams

. . . . . .

Textual Amendments
F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 4 Lay justices

. . . . . .

Textual Amendments
F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

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Supplementary

F1 5 Provision of information

. . . . . .

Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 6 Guidance

. . . . . .

Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 7 Isles of Scilly

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Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

General

F1 8 Orders

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Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

F1 9 Interpretation

. . . . . .

Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 45, 240(1)(d), **Sch. 25 Pt. 6**

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CHAPTER 2

PETITIONS TO LOCAL AUTHORITIES

Electronic petitions

F2 10 Electronic petitions

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Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Petition schemes

F2 11 Petition schemes

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I1 S. 11 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(b)**

F2 12 Petitions to which a scheme must apply

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Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

F2 13 Requirement to acknowledge

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

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Commencement Information

I2 S. 13 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(d)**

[F2]14 Requirement to take steps

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

[F2]15 Requirement to debate

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I3 S. 15 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(f)**

[F2]16 Requirement to call officer to account

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I4 S. 16 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(g)**

[F2]17 Review of steps

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I5 S. 17 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(h)**

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F2 18 Supplementary scheme provision

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I6 S. 18 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(i)**

Supplementary

F2 19 Powers of appropriate national authority

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Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I7 S. 19 in force at 20.3.2010 for specified purposes for E. by S.I. 2010/881, **art. 2(b)**

I8 S. 19 in force at 15.6.2010 for E. in so far as not already in force by S.I. 2010/881, **art. 3(j)**

F2 20 Handling of petitions by other bodies

. . . . . .

Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I9 S. 20 in force at 20.3.2010 for specified purposes for E. by S.I. 2010/881, **art. 2(c)**

I10 S. 20 in force at 15.6.2010 for E. in so far as not already in force by S.I. 2010/881, **art. 3(k)**

General

F2 21 Orders

. . . . . .

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Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I11 S. 21 in force at 20.3.2010 for specified purposes for E. by S.I. 2010/881, **art. 2(d)**

I12 S. 21 in force at 15.6.2010 for E. in so far as not already in force by S.I. 2010/881, **art. 3(l)**

[F2]22 Interpretation

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Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

Commencement Information

I13 S. 22 in force at 20.3.2010 for specified purposes for E. by S.I. 2010/881, **art. 2(e)**

I14 S. 22 in force at 15.6.2010 for E. in so far as not already in force by S.I. 2010/881, **art. 3(m)**

CHAPTER 3

INVOLVEMENT IN FUNCTIONS OF PUBLIC AUTHORITIES

23 Duty of public authorities to secure involvement

(1) Where an authority to which this section applies considers it appropriate for representatives of interested persons (or of interested persons of a particular description) to be involved in the exercise of any of its relevant functions by being—

(a) provided with information about the exercise of the function,

(b) consulted about the exercise of the function, or

(c) involved in another way,

it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.

(2) This section applies to the following authorities—

(a) the Arts Council of England;

(b) the English Sports Council;

(c) the Environment Agency;

(d) the Health and Safety Executive;

[[F3](da) the Office for Nuclear Regulation;**]**

(e) the Historic Buildings and Monuments Commission for England;

(f) the Homes and Communities Agency;

(g) the Museums, Libraries and Archives Council;

(h) Natural England;

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F4(i) . . . . . .

[F5(j) the Common Council of the City of London in its capacity as a police authority;**]**

(k) a chief officer of police for a police force in England;

(l) a local probation board for an area in England or a probation trust (other than a Welsh probation trust as defined by paragraph 13(6) of Schedule 1 to the Offender Management Act 2007 (c. 21));

(m) a youth offending team for an area in England;

(n) the Secretary of State.

(3) In this section, "relevant functions" means—

(a) in relation to an authority specified in subsection (2)(a) to (m), all the functions of the authority except in so far as those functions are not exercisable in or in relation to England;

(b) in relation to the Secretary of State, the Secretary of State's functions under—

(i) section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees), and

(ii) sections 2 and 3 of the Offender Management Act 2007 (c. 21) (responsibility for ensuring the provision of probation services throughout England and Wales),

except in so far as those functions are not exercisable in relation to England.

(4) Subsection (1) does not require an authority to take a step—

(a) if the authority does not have the power to take the step apart from this section, or

(b) if the step would be incompatible with any duty imposed on the authority apart from this section.

(5) Subsection (1) does not apply in such cases as the Secretary of State may by order made by statutory instrument specify.

(6) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

"interested person", in relation to a relevant function, means a person who is likely to be affected by, or otherwise interested in, the exercise of the function;

"representative" means, in relation to interested persons or a description of interested person, a person who appears to an authority to which this section applies to be representative of the interested persons;

F6...

(8) The Secretary of State's functions under this section by virtue of subsection (3)(b)(ii) are functions to which section 2(1)(c) of the Offender Management Act 2007 (c. 21) (functions to be performed through arrangements under section 3 of that Act) applies.

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Textual Amendments

F3 S. 23(2)(da) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 2 para. 25** (with Sch. 4)

F4 S. 23(2)(i) repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6**; S.I. 2012/1662, art. 2(2)(b)

F5 S. 23(2)(j) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 375**; S.I. 2012/2892, art. 2(i)

F6 Words in s. 23(7) repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6**; S.I. 2012/1662, art. 2(2)(b)

Commencement Information

I15 S. 23 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(a)**

24 Duty of public authorities to secure involvement: guidance

(1) The Secretary of State may give guidance to authorities to which section 23 applies (other than the Secretary of State) in relation to the discharge of their duties under that section.

(2) Guidance under this section—

(a) may be given generally or to one or more particular authorities;

(b) may be different for different authorities;

(c) must be published.

(3) Before giving guidance under this section the Secretary of State must consult the authority or authorities to which it is given.

(4) An authority to which section 23 applies must, in deciding how to fulfil its duties under that section, have regard to any guidance given to it under this section.

Commencement Information

I16 S. 24 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(b)**

CHAPTER 4

HOUSING

25 Establishment and assistance of bodies representing tenants etc

(1) The Secretary of State may—

(a) establish a body with the functions specified in subsections (2) to (5);

(b) give financial or other assistance to any person for the purpose of establishing a body with those functions;

(c) give financial or other assistance to any body appearing to the Secretary of State to have those functions for the purpose of the carrying out by the body of any or all of those functions.

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(2) The function in this subsection is that of representing, or facilitating the representation of, the views and interests of—

(a) tenants of social housing in England, or

(b) tenants of social housing and other residential property in England.

(3) The function in this subsection is that of conducting or commissioning research into issues affecting—

(a) tenants of social housing in England, or

(b) tenants of social housing and other residential property in England.

(4) The function in this subsection is that of promoting the representation by other bodies of—

(a) tenants of social housing in England or any part of England, or

(b) tenants of social housing and other residential property in England or any part of England.

(5) It is immaterial for the purposes of subsection (1)(a) to (c) that a body may also have other functions.

(6) Assistance under this section may be given in such form (including financial assistance by way of grant, loan or guarantee) as the Secretary of State considers appropriate.

(7) Assistance under this section may be given on such terms as the Secretary of State considers appropriate.

(8) The terms on which assistance under this section may be given include, in particular, provision as to the circumstances in which it must be repaid or otherwise made good to the Secretary of State and the manner in which that must be done.

(9) A person or body to whom assistance is given under this section must comply with any terms on which it is given.

(10) In this section—

"social housing" has the meaning given by section 68 of the Housing and Regeneration Act 2008 (c. 17);

"tenant", in relation to social housing, has the meaning given by section 275 of that Act.

26 Consultation of bodies representing tenants etc

(1) The Housing and Regeneration Act 2008 (c. 17) is amended as follows.

(2) After section 278 insert—

"**278A Power to nominate for consultation purposes**

(1) The Secretary of State may for the purposes of the following provisions of this Part nominate a body appearing to the Secretary of State to represent the interests of tenants of social housing in England—

(a) section 112(4);

(b) section 174(5);

(c) section 196(1);

(d) section 197(4);

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(e) section 216.

(2) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) under this section."

(3) In each of sections 112(4) (consultation about criteria for registration of providers of social housing) and 174(5) (consultation about disposal of dwellings by registered providers of social housing)—

(a) after paragraph (b) (and before the "and" following that paragraph) insert—

"(ba) any body for the time being nominated under section 278A,";

(b) in paragraph (c), after "one or more" insert " other ".

(4) In section 196(1) (consultation about standards etc for registered providers of social housing)—

(a) after paragraph (b) insert—

"(ba) any body for the time being nominated under section 278A,";

(b) in paragraph (c), after "one or more" insert " other ".

(5) In section 197(4) (consultation about directions relating to standards)—

(a) after paragraph (d) insert—

"(da) any body for the time being nominated under section 278A,";

(b) in paragraph (e), after "one or more" insert " other ".

(6) In section 216 (consultation about guidance to registered providers of social housing)—

(a) after paragraph (a) insert—

"(aa) any body for the time being nominated under section 278A,";

(b) in paragraph (b), after "one or more" insert " other ".

CHAPTER 5

LOCAL FREEDOMS AND HONORARY TITLES

27 Local freedoms

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1) insert—

"(1A) Where the son of a freeman of a city or town may claim to be admitted as a freeman of that place, the daughter of a freeman may likewise claim to be so admitted.

(1B) The son or daughter of a freeman of a city or town shall be admitted as a freeman whether born before or after the admission, as a freeman, of his or her freeman parent and wherever he or she was born.

(1C) In subsections (1A) and (1B) "freeman" excludes a freeman of the City of London."

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Commencement Information
I17 S. 27 in force at 12.1.2010, see s. 148(1)(d)

28 Power to amend law relating to local freedoms

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1C) insert—

"(1D) Schedule 28A (amendment of laws relating to freedom of city or town) shall have effect."

(3) Before Schedule 29 insert—

"SCHEDULE 1

AMENDMENT OF LAWS RELATING TO FREEDOMS OF CITIES AND TOWNS

Introductory

1 (1) This Schedule makes provision for the laws relating to freedom of a city or town to be amended by, or pursuant to, a resolution of persons admitted to that freedom.

(2) The powers conferred by this Schedule are without prejudice to any other power to amend the law relating to freedom of a city or town.

(3) In this Schedule—

"appropriate national authority" means—

(a) the Secretary of State, in relation to a city or town in England;

(b) the Welsh Ministers, in relation to a city or town in Wales;

"enactment" includes in particular—

(a) a royal charter or other instrument made under the royal prerogative;

(b) any instrument made under an enactment.

Powers to amend law in respect of women and civil partners

2 (1) The purposes of this paragraph are—

(a) to provide for a woman to have the right to be admitted to freedom of a city or town in any or all circumstances where a man has that right;

(b) to enable a woman admitted to the freedom of a city or town (whether pursuant to this Schedule or otherwise) to use the title "freewoman";

(c) to put a civil partner or surviving civil partner of a person admitted to freedom of a city or town in the same position as a spouse or surviving spouse of such a person.

(2) The appropriate national authority may by order amend an Act for any purpose of this paragraph, if the amendment is proposed by a qualifying resolution.

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(3) A qualifying resolution may amend—

(a) any enactment other than an Act, or

(b) the law established by custom,

for any purpose of this paragraph.

(4) An amendment may not be made under this paragraph for the purpose specified in sub-paragraph (1)(a) if the effect of the amendment in any case or circumstances would be to deprive a man of the right to be admitted to freedom of a city or town.

(5) A provision of a public general Act may not be amended under this paragraph unless the provision relates only to—

(a) a particular city or town, or

(b) a specified group of cities or towns.

Power to amend royal charters

3 (1) Her Majesty may by Order in Council amend the law relating to rights of admission to freedom of a city or town where—

(a) the law is contained in a royal charter; and

(b) the amendment is proposed in a qualifying resolution.

(2) It is immaterial for the purposes of sub-paragraph (1) above whether the amendment is one which could be made under paragraph 2(3) above.

(3) An Order in Council under this paragraph is not a statutory instrument for the purposes of the Statutory Instruments Act 1946.

Powers to amend laws established by custom

4 (1) A qualifying resolution may amend the law relating to rights of admission to freedom of a city or town where the law is established by custom.

(2) The power in sub-paragraph (1) above does not include power to make an amendment which could be made under paragraph 2(3) above.

Consequential amendments

5 (1) The power to make an amendment under paragraph 2(2) above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—

(a) any enactment, or

(b) the law established by custom.

(2) The power to make an amendment under paragraph 2(3), 3 or 4 above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—

(a) any enactment other than an Act, or

(b) the law established by custom.

(3) Where an amendment is made under paragraph 2(3), 3 or 4 above, the appropriate national authority may by order make consequential amendments

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to any Act, if the consequential amendments are proposed by a qualifying resolution.

6 (1) Where by virtue of an amendment under paragraph 2, 3 or 4 above a person has the right of admission to freedom of city or town, the following amendments in particular are to be regarded as consequential for the purposes of this Schedule—

(a) an amendment for the purpose of putting that person in the same position as any other person admitted to that freedom;

(b) an amendment for the purpose of putting a person who by marriage, civil partnership, descent, employment or otherwise is or has been related to or associated with that person in the same position as a person correspondingly related to or associated with any other person admitted to that freedom;

(c) an amendment for the purpose of putting a person who is or has been related by marriage or civil partnership to a surviving spouse or civil partner or child of that person in the same position as a person correspondingly related to the surviving spouse or civil partner or child of any other person admitted to that freedom.

(2) In determining for the purposes of sub-paragraph (1) above whether one relationship corresponds with another, differences of gender are to be ignored.

Qualifying resolutions

7 (1) For the purposes of this Schedule, a "qualifying resolution" is a resolution—

(a) in relation to which the requirements of paragraph 8 below are complied with; and

(b) which is passed in accordance with paragraph 9 below.

8 (1) The requirements of this paragraph in relation to a resolution are as follows.

(2) The resolution must be proposed by three or more eligible persons.

(3) Voting on the resolution is to be by postal ballot.

(4) The proposers must make reasonable endeavours to secure that each eligible person is sent—

(a) a notice of the ballot, and

(b) a ballot paper.

(5) The notice must state—

(a) the resolution proposed,

(b) the purpose of the resolution, and

(c) the date by which ballot papers must be returned (the "voting date").

(6) Any notice and ballot paper must be sent at least 28 days before the voting date.

(7) For the purposes of this paragraph, a notice or ballot paper is sent to a person on the day it is posted by first class post to the last known address of that person.

9 (1) A resolution is passed in accordance with this paragraph if—

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) it is passed by a majority of the eligible persons voting on the resolution,

(b) the number of eligible persons voting on the resolution is at least 10% of the number of eligible persons to whom notice is sent under paragraph 8(4) above, and " the resolution is notified to the relevant council within six weeks from the voting date. "

(2) For the purposes of sub-paragraph (1)(c) above, the resolution is notified by delivery of the following documents to the relevant council—

(a) a copy of the resolution;

(b) a copy of the notice sent under paragraph 8(4) above;

(c) a statement in writing of the names of the eligible persons to whom the notice was sent;

(d) a statement in writing of the number of eligible persons who voted on the resolution and of the number who voted in favour of it;

(e) all ballot papers returned in accordance with the notice.

(3) The relevant council must keep the documents delivered under sub-paragraph (2) above, but need not keep those within paragraphs (b) to (e) of that sub-paragraph if it considers that it is no longer reasonably necessary to do so.

10 In paragraphs 8 and 9 above—

"eligible person" means a person whose name is on the roll of persons admitted to the freedom of the city or town concerned kept under section 248(2) above;

"relevant council" means—

(a) in relation to a city or town in England—

(i) the district council in whose area the city or town is situated, or

(ii) if the city or town is not in the area of a district council, the county council in whose area it is situated;

(b) in relation to a city or town in Wales, the principal council in whose area the city or town is situated.

Order-making powers: supplementary

11 (1) A statutory instrument containing an order under this Schedule which contains an amendment to a public general Act is subject to annulment—

(a) by either House of Parliament, in the case of an order made by the Secretary of State;

(b) by the National Assembly for Wales, in the case of an order made by the Welsh Ministers."

(4) In section 248—

(a) in subsection (1), after "this section", in both places, insert " and Schedule 28A ";

(b) in subsection (2), for "freemen" substitute " persons admitted to the freedom ";

(c) in subsection (3)—

(i) for "as a freeman" substitute " to the freedom ";

(ii) for "his", in both places, substitute " the person's ";

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(iii) for "freemen" substitute " persons admitted to the freedom ";

(d) in subsection (4), in paragraphs (a), (b) and (c), for "freeman" substitute " person admitted to the freedom ".

Commencement Information

I18 S. 28 in force at 12.1.2010, see s. 148(1)(d)

29 Honorary titles

(1) Section 249 of the Local Government Act 1972 (c. 70) (honorary aldermen and freemen) is amended as follows.

(2) In the heading, for "Honorary aldermen and freemen" substitute " Honorary titles ".

(3) In subsection (1) (power of principal councils to confer title of honorary aldermen), after "honorary aldermen" insert " or honorary alderwomen ".

(4) In subsection (2)—

(a) after "honorary alderman" insert " or honorary alderwoman ";

(b) after "as alderman" insert " or alderwoman ";

(c) after "as an alderman" insert " or alderwoman ".

(5) In subsection (4), after "honorary alderman" insert " or honorary alderwoman ".

(6) After that subsection insert—

"(4A) A principal council may spend such reasonable sum as they think fit for the purpose of presenting an address, or a casket containing an address, to a person on whom they have conferred the title of honorary alderman or honorary alderwoman."

(7) For subsections (5) to (9) (honorary freemen) there is substituted—

"(5) Subject as follows, a relevant authority may admit to be honorary freemen or honorary freewomen of the place or area for which it is the authority—

(a) persons of distinction, and

(b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.

(6) In this section "relevant authority" means—

(a) a principal council;

(b) a parish or community council;

(c) charter trustees in England constituted—

(i) under section 246 of the Local Government Act 1972,

(ii) by the Charter Trustees Regulations 1996 (SI 1996/263), or

(iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007.

(7) The power in subsection (5) above is exercisable by resolution of the relevant authority.

(8) A resolution under subsection (7) above must be passed—

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(a) at a meeting of the relevant authority which is specially convened for the purpose and where notice of the object of the meeting has been given; and

(b) by not less than two-thirds of the members of the relevant authority (or, in the case of charter trustees, of the trustees) who vote on it.

(9) A relevant authority may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freeman or honorary freewoman under subsection (5) above.

(10) The admission of a person as honorary freeman or honorary freewoman does not confer on that person any of the rights referred to in section 248(4) above."

Commencement Information
I19 S. 29 in force at 12.1.2010, see s. 148(1)(d)

CHAPTER 6

POLITICALLY RESTRICTED POSTS

30 Politically restricted posts

(1) The Local Government and Housing Act 1989 (c. 42) is amended as follows.

(2) In section 2 (politically restricted posts), in subsection (2) omit—

(a) paragraphs (a) and (b), and

(b) in paragraph (c), the words "not falling within paragraph (a) or (b) above".

(3) In section 3 (grant and supervision of exemptions from political restriction: Scotland and Wales), in subsection (3) omit—

(a) in paragraph (a), the word "and",

(b) paragraph (b), and

(c) the words from "and it shall" to the end of the subsection.

(4) In section 3A (grant and supervision of exemptions from political restriction: England), in subsection (2) omit—

(a) in paragraph (a), the word "and",

(b) paragraph (b), and

(c) the words from "and the relevant" to the end of the subsection.

Commencement Information
I20 S. 30 in force at 12.1.2010, see s. 148(1)(d)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

PART 2

LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

CHAPTER 1

GOVERNANCE

[F7]31 Scrutiny officers

. . . . . .

Textual Amendments

F7 S. 31 repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

32 Joint overview and scrutiny committees

(1) In the Local Government and Public Involvement in Health Act 2007 (c. 28), for section 123 (joint overview and scrutiny committees: local improvement targets) substitute—

"**123 Joint overview and scrutiny committees**

(1) The Secretary of State may by regulations make provision under which any two or more local authorities in England may—

(a) appoint a joint committee (a "joint overview and scrutiny committee"), and

(b) arrange for the committee to exercise any functions in subsection (2).

(2) The functions in this subsection are functions of making reports or recommendations to—

(a) any of the local authorities appointing the committee (the "appointing authorities"), or

(b) if any of the appointing authorities is a non-unitary district council, the related county council,

about any matter which is not an excluded matter.

(3) In subsection (2) "excluded matter" means any matter with respect to which a crime and disorder committee could make a report or recommendations—

(a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny crime and disorder matters), or

(b) by virtue of subsection (3)(a) of that section.

(4) In subsection (2) references to making reports or recommendations to a local authority include, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000, making reports or recommendations to its executive.

(5) Regulations under this section may in particular—

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(a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified in the regulations;

(b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—

(i) section 21(4) and (6) to (12) of the Local Government Act 2000,

(ii) sections 21A to 21D of that Act, or

(iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006,

with or without modifications;

(c) make provision as to information which an associated authority of any appointing authority must provide, or may not disclose, to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).

(6) In subsection (5)(c) "associated authority", in relation to any appointing authority, means—

(a) in the case of an appointing authority which is a non-unitary district council—

(i) the related county council, and

(ii) any person who is a partner authority in relation to the related county council;

(b) in the case of any other appointing authority, any person who is a partner authority in relation to the appointing authority.

(7) In subsection (6) "partner authority" has the same meaning as in Chapter 1 of this Part except that it does not include a police authority or a chief officer of police.

(8) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).

(9) Any local authority and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any function conferred on it by or under this section, have regard to any guidance issued by the Secretary of State.

(10) In this section—

"local authority" has the same meaning as in Part 2 of the Local Government Act 2000;

"non-unitary district council" means a district council for a district in a county for which there is a county council (and the "related county council", in relation to a non-unitary district council, means that county council)."

(2) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (2A)(e), for the words from "(joint" to the end substitute " (joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned ".

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Commencement Information
I21 S. 32 in force at 12.1.2010, see s. 148(2)(a)(ii)

33 Powers of National Assembly for Wales

(1) Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly measures) is amended as follows.

(2) In Part 1, after the heading "*Field 12: local government*", after the entry relating to Matter 12.5 insert—

"Matter 12.6

Arrangements by principal councils with respect to the discharge of their functions, including executive arrangements.

This matter does not include—

(a) direct elections to executives of principal councils, or

(b) the creation of a form of executive requiring direct elections.

For the purposes of this matter—

(a) "executive arrangements" has the same meaning as in Part 2 of the Local Government Act 2000;

(b) "principal council" means a county or county borough council;

(c) "direct elections" means elections by local government electors (within the meaning of section 270(1) of the Local Government Act 1972)."

(3) In that Part, after the entry relating to Matter 12.6 (as inserted by subsection (2) above) insert—

"Matter 12.7

Committees of principal councils with functions of—

(a) review or scrutiny, or

(b) making reports or recommendations.

This matter does not include committees under section 19 of the Police and Justice Act 2006 (crime and disorder committees).

For the purposes of this matter "principal council" means a county or county borough council."

Commencement Information
I22 S. 33 in force at 12.1.2010, see s. 148(2)(a)(ii)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

PROSPECTIVE

CHAPTER 2

MUTUAL INSURANCE

34 Mutual insurance

(1) Subject as follows, a qualifying authority may —

(a) become a member of a body corporate—

(i) all of whose objects fall within the objects specified in subsection (2), and

(ii) all of whose members are qualifying authorities, and

(b) do anything that is required by, or is conducive or incidental to, membership of any such body.

(2) The objects referred to in subsection (1)(a)(i) are—

(a) to provide insurance, in relation to risks of any description, to—

(i) qualifying authorities who are members of the body corporate, and

(ii) persons prescribed in regulations made by the appropriate national authority,

(b) to enter into arrangements under which such insurance is provided to—

(i) qualifying authorities who are members of the body corporate, and

(ii) persons prescribed in regulations made by the appropriate national authority, and

(c) to do anything that is required by, or is conducive or incidental to, the provision of any such insurance or entering into any such arrangements.

(3) The power of a qualifying authority under subsection (1)(b) includes in particular power—

(a) to pay premiums and make other payments to the body corporate;

(b) to agree to make any such payments;

(c) to assume financial obligations in relation to persons prescribed for the purposes of subsection (2)(a)(ii) or (b)(ii).

(4) The appropriate national authority may by regulations impose restrictions or conditions on the exercise of any power conferred on a qualifying authority by subsection (1).

(5) A qualifying authority must, in exercising the powers conferred by subsection (1), have regard to—

(a) any guidance issued by the appropriate national authority, and

(b) any guidance or document specified in regulations made by the appropriate national authority.

(6) The appropriate national authority may by regulations amend this Chapter for the purposes of changing the authorities which are for the time being qualifying authorities for the purposes of this section.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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35 Mutual insurance: supplementary

(1) This section applies for the purposes of section 34.

(2) A qualifying authority is—

(a) a county council in England;

(b) a district council in England;

(c) a London borough council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Greater London Authority so far as it exercises its functions through the Mayor;

(f) the Council of the Isles of Scilly;

(g) a county council in Wales;

(h) a county borough council in Wales;

(i) a National Park authority;

(j) the Broads Authority;

[F8(k) the Common Council of the City of London in its capacity as a police authority;**]**

(l) a fire and rescue authority not falling within paragraphs (a) to (h);

F9(m) . . . . . .

(n) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);

(o) an Integrated Transport Authority;

(p) Transport for London;

F10(q) . . . . . .

(r) an economic prosperity board established under section 88 or a combined authority established under section 103.

[F11(s) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.**]**

(3) The "appropriate national authority" means—

(a) the Secretary of State, in relation to England;

(b) the Welsh Ministers, in relation to Wales.

(4) Regulations under section 34 are to be made by statutory instrument.

(5) A statutory instrument containing regulations under subsection (2), (4) or (5)(b) of that section is subject to annulment in pursuance of a resolution of—

(a) either House of Parliament (in the case of regulations made by the Secretary of State);

(b) the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).

(6) A statutory instrument containing regulations under subsection (6) of that section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of—

(a) each House of Parliament (in the case of regulations made by the Secretary of State);

(b) the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).

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Textual Amendments

F8 S. 35(2)(k) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 376**; S.I. 2012/2892, art. 2(i)

F9 S. 35(2)(m) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(35)(a)**; S.I. 2015/994, art. 6(g)

F10 S. 35(2)(q) repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)

F11 S. 35(2)(s) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 187** (with s. 247)

PROSPECTIVE

CHAPTER 3

AUDIT OF ENTITIES CONNECTED WITH LOCAL AUTHORITIES

Preliminary

36 Overview

(1) This Chapter makes provision for **[**F12the Auditor General for Wales**]** to appoint a person to carry out audit functions in relation to a relevant entity in circumstances where it appears to the authority that the entity is or will be a qualifying F13... Welsh local authority entity.

F14(2) . . . . . .

(3) In this Chapter, "relevant entity" means—

(a) a company,

(b) a limited liability partnership, or

(c) **[**F15a registered society**]** .

F16(4) . . . . . .

(5) In this Chapter, "qualifying Welsh local authority entity" means a relevant entity which—

(a) is connected with a local authority in Wales, and

(b) meets such other conditions as the Welsh Ministers may by regulations specify.

(6) In this Chapter, "local authority" means any body which—

(a) is a local authority for the purposes of section 21 of the Local Government Act 2003 (c. 26) (see subsection (6) of that section and section 23 of that Act), and

(b) is required to prepare statements of accounts by regulations made under F17... section 39 of the Public Audit (Wales) Act 2004 (c. 23).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F12 Words in s. 36(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 98(2)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F13 Words in s. 36(1) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 98(2)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F14 S. 36(2) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 98(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

F16 S. 36(4) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 98(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F17 Words in s. 36(6)(b) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 98(4)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

37 Notification duties of local authorities

F18(1) . . . . . .

(2) Where it comes to the attention of a local authority in Wales that—

(a) a relevant entity which is connected with the authority meets the conditions referred to in section 36(5)(b),

(b) a relevant entity which is connected with the authority has ceased to meet those conditions, or

(c) a relevant entity which meets those conditions has ceased to be connected with the local authority,

the authority must notify the entity and the Auditor General for Wales accordingly.

(3) Notification under this section must be within the period of 21 days beginning with the day on which the matter comes to the attention of the local authority.

Textual Amendments

F18 S. 37(1) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 99**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Power to appoint auditor

38 Power to appoint auditor

(1) Subject to this Chapter, **[**F19the Auditor General for Wales**]** may appoint a person to carry out audit functions in accordance with this Chapter in relation to a relevant entity.

(2) An appointment under this section is to be for a financial year of the entity.

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(3) An appointment under this section must be made—

(a) before the start of the financial year to which it relates, or

(b) in the case of an appointment for the first financial year of the entity, before whichever is the earlier of—

(i) the end of that financial year, and

(ii) the end of the period of three months beginning with the day on which the **[**F20Auditor General for Wales**]** receives notification in relation to the entity under section **[**F21**]**37(2)(a)**]** .

F22(4) . . . . . .

(5) The Auditor General for Wales may make an appointment under this section if (and only if) it appears to the Auditor General that—

(a) the entity will be a qualifying Welsh local authority entity at the start of the financial year for which the appointment is made, or

(b) in the case of an appointment for the first financial year of the entity, the entity is a qualifying Welsh local authority entity when the appointment is made.

(6) Before making an appointment under this section in relation to an entity the **[**F23Auditor General for Wales**]** must consult the entity.

F24(7) . . . . . .

(8) After making an appointment under this section in relation to an entity the **[**F25Auditor General for Wales**]** must notify the local authority with which the entity is connected.

Textual Amendments

F19 Words in s. 38(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F20 Words in s. 38(3)(b)(ii) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(3)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F21 Words in s. 38(3)(b)(ii) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(3)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F22 S. 38(4) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(4)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F23 Words in s. 38(6) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(5)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F24 S. 38(7) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(6)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F25 Words in s. 38(8) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 100(7)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

39 Power to appoint replacement auditor

(1) Where a person appointed by **[**F26the Auditor General for Wales**]** under this Chapter in relation to an entity for a financial year dies, is dismissed or is unable or unwilling to act, the **[**F27Auditor General for Wales**]** may (subject to this Chapter) appoint a replacement in relation to that entity for that financial year.

(2) Before making an appointment under this section the **[**F27Auditor General for Wales**]** must consult the entity.

(3) After making an appointment under this section the **[**F27Auditor General for Wales**]** must notify the local authority with which the entity is connected.

Textual Amendments

F26 Words in s. 39(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 101(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F27 Words in s. 39 substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 101(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

40 Exclusions

(1) **[**F28The Auditor General for Wales**]** may not make an appointment under this Chapter in relation to an entity for a financial year if, by virtue of this section, the entity is exempt from audit for that year.

(2) A company is exempt from audit under this Chapter for a financial year if it appears to the **[**F29Auditor General for Wales**]** that, for the purposes of Part 16 of the Companies Act 2006 (c. 46), the company is or will be exempt from audit under that Part for that year.

(3) A limited liability partnership is exempt from audit under this Chapter for a financial year if it appears to the **[**F29Auditor General for Wales**]** that, for the purposes of Part 16 of the Companies Act 2006 (as that Part applies to limited liability partnerships), the partnership is or will be exempt from audit under that Part for that year.

(4) **[**F15A registered society**]** is exempt from audit under this Chapter for a financial year if it appears to the **[**F29Auditor General for Wales**]** that **[**F30—

(a) the society is a small society (within the meaning of Part 7 of the Co-operative and Community Benefit Societies Act 2014) for that year, or

(b) section 83 of that Act (duty to appoint auditors) does not apply to the society for that year because of a resolution under section 84 of that Act (power to disapply auditing requirements).**]**

(5) Subsection (1) does not apply if the entity requests the **[**F31Auditor General for Wales**]** to make the appointment.

Textual Amendments

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

F28 Words in s. 40(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 102(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F29 Words in s. 40(2)-(4) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 102(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F30 Words in s. 40(4) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 150** (with Sch. 5)

F31 Words in s. 40(5) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 102(4)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Auditors

41 Eligibility for appointment

(1) A person appointed under this Chapter may be—

(a) a member of staff of the **[**F32Auditor General for Wales**]**;

(b) an individual who is not a member of staff of **[**F33the Auditor General for Wales**]**;

(c) a firm.

(2) The following may not be appointed under this Chapter in relation to an entity—

(a) an individual or firm who for the purposes of section 1212 of the Companies Act 2006 (c. 46) is not eligible for appointment as a statutory auditor, or

(b) an individual or firm who by virtue of section 1214 of that Act (independence requirement) may not act as statutory auditor in relation to that entity.

(3) In this section "firm" means any entity, whether or not a legal person, which is not an individual, and includes a body corporate, a corporation sole and a partnership or other unincorporated association.

Textual Amendments

F32 Words in s. 41(1)(a) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 103(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F33 Words in s. 41(1)(b) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 103(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

42 Terms of appointment

(1) Subject to this Chapter, a person appointed under this Chapter holds office under this Chapter in accordance with the terms of their appointment.

(2) Subject to subsection (3), an appointment under this Chapter begins on the first day of the financial year for which the appointment is made.

(3) An appointment under this Chapter which—

(a) is for the first financial year of an entity, or

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(b) is made under section 39 after the start of the financial year for which it is made,

begins on the day on which the appointment is made.

(4) An appointment under this Chapter, unless terminated earlier, ends when the person appointed has discharged their functions under this Chapter.

(5) A person appointed under this Chapter may not be dismissed by the **[**F34Auditor General for Wales**]** for divergence of opinion on accounting treatments or audit procedures.

F35(6) . . . . . .

(7) If it appears to the Auditor General for Wales that an entity in relation to which the Auditor General has appointed a person under this Chapter is not, or has ceased to be, a qualifying Welsh local authority entity, the Auditor General may terminate the appointment (but is not required to do so).

Textual Amendments

F34 Words in s. 42(5) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 104(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F35 S. 42(6) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 104(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Audit of accounts

43 Right of entity to appoint auditor to conduct statutory audit

(1) Where a person is appointed under this Chapter in relation to an entity for a financial year, the entity may, under and in accordance with the relevant statutory provision, appoint that person as auditor of the entity for the purposes of that provision for the financial year.

(2) An appointment pursuant to subsection (1) is to be—

(a) on the standard terms and conditions, or

(b) on the standard terms and conditions subject to such modifications as may be agreed between the entity and the person appointed.

(3) The **[**F36Auditor General for Wales**]** must notify the entity of its right under subsection (1).

(4) Notification under subsection (3) must be before the beginning of the financial year (except in the case of an appointment for the first financial year of the entity or which is made under section 39).

(5) Termination by the **[**F37Auditor General for Wales**]** of the appointment under this Chapter does not terminate an appointment made pursuant to subsection (1).

(6) In subsection (1) "the relevant statutory provision"—

(a) in relation to a company, means Part 16 of the Companies Act 2006 (c. 46);

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(b) in relation to a limited liability partnership, means that Part of that Act as it applies to limited liability partnerships;

(c) in relation to **[**F15a registered society**]** , means—

(i) **[**F38section 83 of the Co-operative and Community Benefit Societies Act 2014,**]** or

(ii) in the case of **[**F15a registered society**]** to which regulation 3 of the Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations 2008 (SI 2008/565) applies, that regulation.

(7) In subsection (2), "standard terms and conditions" means terms and conditions (including terms and conditions as to payment of fees) published for the purposes of that subsection by the **[**F39Auditor General for Wales**]** from time to time.

(8) Before publishing terms and conditions under subsection (7) **[**F40the Auditor General for Wales**]** must consult—

(a) such associations of local authorities, and such bodies of accountants, as the **[**F41Auditor General for Wales**]** considers appropriate, and

[F42(b) the Welsh Ministers.**]**

Textual Amendments

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

F36 Words in s. 43(3) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F37 Words in s. 43(5) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F38 S. 43(6)(c)(i) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 151** (with Sch. 5)

F39 Words in s. 43(7) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F40 Words in s. 43(8) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(3)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F41 Words in s. 43(8)(a) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(3)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F42 S. 43(8)(b) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 105(3)(c)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

44 Functions of auditor not appointed to conduct statutory audit

(1) This section applies to an entity in relation to which a person is appointed under this Chapter for a financial year if—

(a) the entity does not appoint that person pursuant to section 43(1), or

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(b) the entity does so appoint that person but terminates the appointment before the discharge of the person's functions pursuant to the appointment.

(2) Where this section applies to an entity which is a company—

(a) the person appointed under this Chapter must make a report to the company on the annual accounts of the company for the financial year, and

(b) sections 495(2) to (4) and 496 to 501 of the Companies Act 2006 (c. 46) apply as if—

(i) that report were a report under section 495(1) of that Act, and

(ii) the person appointed under this Chapter were the company's auditor under Part 16 of that Act.

(3) Where this section applies to an entity which is a limited liability partnership—

(a) the person appointed under this Chapter must make a report to the partnership on the annual accounts of the partnership for the financial year, and

(b) sections 495(2) to (4) and 498 to 501 of the Companies Act 2006 apply as if—

(i) that report were a report under section 495(1) of that Act, and

(ii) the person appointed under this Chapter were the partnership's auditor under Part 16 of that Act.

(4) Where this section applies to an entity which is **[**F15a registered society**]** —

(a) the person appointed under this Chapter must audit the revenue account or accounts and balance sheet of the society for the financial year and make a report to the society on them,

[F43(b) section 87(3) to (8) of the Co-operative and Community Benefit Societies Act 2014 apply in relation to that report as they apply to a report under section 87(2) of that Act,

(c) section 127(2) of that Act applies in relation to any contravention of section 87(6) of that Act (as applied by paragraph (b)),**]** and

(d) in a case where the society has caused group accounts for that year to be prepared as specified in **[**F44section 98**]** of that Act, the person appointed under this Chapter must make a report to the society on the group accounts, stating the matters referred to in **[**F45subsection (7)**]** of that section.

(5) The person appointed under this Chapter must send a copy of the report made under this section to—

(a) the local authority with which the entity is connected, and

(b) the **[**F46Auditor General for Wales**]**.

(6) In subsection (3) references to the Companies Act 2006 are to that Act as it applies in relation to limited liability partnerships.

Textual Amendments

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

F43 S. 44(4)(b)(c) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 152(2)** (with Sch. 5)

F44 Words in s. 44(4)(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 152(3)(a)** (with Sch. 5)

F45 Words in s. 44(4)(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para.** 152(3)(b) (with Sch. 5)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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F46 Words in s. 44(5)(b) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 106**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Public interest reports

45 Public interest reports

(1) A person appointed under this Chapter in relation to an entity must make a report about any relevant matter—

(a) which comes to their attention in discharging their functions arising under or pursuant to the preceding provisions of this Chapter, and

(b) which they consider that it would be in the public interest to bring to the attention of the entity, the local authority with which it is connected or the public.

(2) In subsection (1) "relevant matter" means—

(a) a matter relating to the financial affairs of the entity for the financial year, or

(b) a matter relating to the corporate governance of the entity.

(3) A report under this section must be sent to the entity before the end of the period of 14 days starting with the day on which the report is made.

(4) A copy of a report under this section must be sent before the end of that period to—

(a) the local authority with which the entity is connected, and

(b) the **[**F47Auditor General for Wales**]**.

(5) The person appointed under this Chapter may—

(a) notify any person of the fact that the report has been made, and

(b) supply a copy of it or of any part of it to any person.

Textual Amendments

F47 Words in s. 45(4)(b) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 107**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

46 Codes of practice

F48(1) . . . . . .

F48(2) . . . . . .

F48(3) . . . . . .

(4) A code of practice under **[**F49section 10 of the Public Audit (Wales) Act 2013**]** must include provision prescribing the way in which persons appointed under this Chapter by the Auditor General for Wales are to carry out their functions under section 45.

(5) A person so appointed must, in the exercise of their functions under section 45, comply with such provision of such a code as is for the time being in force.

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Textual Amendments

F48 S. 46(1)-(3) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 108**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F49 Words in s. 46(4) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 90** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

47 Access to information

(1) A person appointed under this Chapter in relation to an entity (in this section referred to as an "auditor") has a right of access at all reasonable times to every document relating to the entity which appears to the auditor necessary for the purpose of the exercise of their functions under section 45.

(2) The right conferred by subsection (1) includes power to inspect, copy or take away the document.

(3) An auditor may—

(a) require a person holding or accountable for any document referred to in subsection (1) to give to the auditor such information or explanation as the auditor thinks necessary for the purpose of the exercise of the auditor's functions under section 45, and

(b) if the auditor thinks it necessary, require the person to attend before the auditor in person to give the information or explanation or to produce the document.

(4) Without prejudice to subsection (3), an auditor may—

(a) require any officer or member of the entity to give to the auditor such information or explanation as the auditor thinks necessary for the purpose of the exercise of the auditor's functions under section 45, and

(b) if the auditor thinks it necessary, require the officer or member to attend before the auditor in person to give the information or explanation.

(5) In relation to any document kept in electronic form, the power in subsection (3)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.

(6) In connection with inspecting such a document, an auditor—

(a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the auditor considers is or has been used in connection with the document;

(b) may require a person within subsection (7) to afford the auditor such reasonable assistance as the auditor may require for that purpose.

(7) The following persons are within this subsection—

(a) a person by whom or on whose behalf the computer is or has been used;

(b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.

(8) Without prejudice to subsections (1) to (7), the entity must provide the auditor with every facility and all information which the auditor may reasonably require for the purposes of the exercise of the auditor's functions under section 45.

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(9) A person who without reasonable excuse obstructs the exercise of any power conferred by this section or fails to comply with any requirement of an auditor under this section is guilty of an offence.

(10) A person guilty of an offence under subsection (9) is liable on summary conviction—

(a) to a fine not exceeding level 3 on the standard scale, and

(b) to an additional fine not exceeding £20 for each day on which the offence continues after the person has been convicted of it.

(11) Any expenses incurred by an auditor in connection with proceedings for an offence under this section, so far as not recovered from any other source, are recoverable from the entity in relation to which the auditor is appointed.

(12) The powers under this section are in addition to any other powers which an auditor has in relation to the exercise of the auditor's functions under or pursuant to this Chapter.

48 Consideration of report by entity

(1) Where a report is made under section 45 in relation to an entity, the report must be considered—

(a) in the case of a company, at a general meeting of the company (to be called by the directors under section 302 of the Companies Act 2006 (c. 46));

(b) in the case of a limited liability partnership, at a meeting of the members of the partnership;

(c) in the case of **[**[F15]a registered society**]** , at a meeting of the society in accordance with the rules of the society.

(2) The meeting must be held before the end of the period of one month starting with the day on which the report is sent to it.

(3) The notice of the meeting must include a copy of the report.

(4) At the meeting the entity must decide—

(a) whether the report requires it to take any action, and

(b) if so, what.

(5) The entity must notify the local authority with which it is connected of—

(a) its decision under subsection (4)(a), and

(b) any decision under subsection (4)(b).

(6) If under subsection (4)(a) the entity decides that the report does not require it to take any action, the notification under subsection (5)(a) must give reasons for that decision.

(7) The person who made the report may extend the period of one month mentioned in subsection (2) if satisfied that it is reasonable to do so to allow the entity to comply with its duties under this section.

(8) A period may be extended under subsection (7) more than once.

(9) This section does not affect any duties (so far as they relate to the subject-matter of a report) imposed by or under any other enactment.

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Textual Amendments

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

49 Consideration of report by local authority

(1) Where a report is made under section 45 in relation to an entity, the local authority with which the entity is connected must—

(a) consider the report and the entity's decision or decisions under section 48(4) at a relevant meeting, and

(b) decide whether the report and the decision or decisions require the authority to take any action, and if so what.

(2) A local authority must discharge its duty under subsection (1) before the end of the period of one month starting with the day on which the entity notifies the local authority under section 48(5).

(3) The person who made the report may extend the period of one month mentioned in subsection (2) if satisfied that it is reasonable to do so to allow the local authority to comply with its duty under subsection (1).

(4) A period may be extended under subsection (3) more than once.

(5) In subsection (1)(a) "relevant meeting" means—

(a) in the case of a local authority not operating executive arrangements, a meeting of the authority or of a committee of the authority;

(b) in the case of a local authority operating executive arrangements—

(i) a meeting of the executive, or

(ii) if the function referred to in that subsection is a responsibility of the authority, a meeting of the authority or of a committee of the authority.

(6) The notice given of the meeting to members of the authority or of the executive or committee of the authority (as the case may be) must include—

(a) a copy of the report, and

(b) a copy of the notification given by the entity under section 48(5).

(7) Subsections (8) and (9) apply in relation to a meeting of a local authority or of a committee of a local authority under this section.

(8) The following powers do not include power to exclude the report—

(a) the power under section 1(4)(b) of the Public Bodies (Admission to Meetings) Act 1960 (c. 67) to exclude items from the matter supplied under that section (supply of agenda etc to newspapers);

(b) the power under **[**F50section 100BA(2)**]** of the Local Government Act 1972 (c. 70) to—

(i) exclude documents from the documents **[**F51published under section 100BA(1)**]** of that Act, or

(ii) exclude items from the matter supplied under **[**F52section 100BA(9)**]** of that Act (public access to agenda and reports before meetings and supply of agenda etc to newspapers).

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(9) Part 5A of the Local Government Act 1972 has effect in relation to the report as if **[**F53section 100C(1B)(d)**]** of that Act (public access to copies of reports for six years after meeting) were not limited to so much of the report as relates to an item during which the meeting was open to the public.

(10) In this section—

(a) "executive" and "executive arrangements" have the same meanings as in Part 2 of the Local Government Act 2000 (c. 22);

(b) references to a committee of a local authority include a sub-committee.

(11) This section does not affect any duties (so far as they relate to the subject-matter of a report under section 45) imposed by or under any other enactment.

Textual Amendments

F50 Words in s. 49(8)(b) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), regs. 1(2), **3(a)(i)** (with regs. 10, 11)

F51 Words in s. 49(8)(b)(i) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), regs. 1(2), **3(a)(ii)** (with regs. 10, 11)

F52 Words in s. 49(8)(b)(ii) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), regs. 1(2), **3(a)(iii)** (with regs. 10, 11)

F53 Words in s. 49(9) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), regs. 1(2), **3(b)** (with regs. 10, 11)

Supplementary

50 Fees

F54(1) . . . . . .

[F55(1A) An entity in relation to which a person is appointed by the Auditor General for Wales under this Chapter must pay the Wales Audit Office, in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013, a fee in respect of the discharge by that person of any of the functions specified by subsection (2) in relation to the entity.**]**

(2) Those functions are—

(a) functions under section 44(2) to (5);

(b) functions under sections 45 to 49.

(3) The entity must pay a fee under this section at such time, and otherwise in accordance with such requirements, as **[**F56the **[**F57Wales Audit Office**]]** may specify.

F58(4) . . . . . .

[F59(4A) The amount of a fee payable under subsection (1A) is, subject as follows, to be such as may be specified in or determined under a scale or scales of fees prescribed by the Wales Audit Office for the purposes of this section.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

But a fee charged under subsection (1A) may not exceed the full cost of exercising the function to which it relates.**]**

(5) Before prescribing a scale of fees under **[**F60subsection F61... (4A)**][**F62the **[**F63Wales Audit Office**]]** must consult—

(a) such associations of local authorities, and

(b) such bodies of accountants,

as it considers appropriate.

(6) A scale of fees under this section is not to provide for the amount of a fee to be different depending on whether or not the person appointed under this Chapter is a member of staff of **[**F64the **[**F65Wales Audit Office**]]**.

(7) A scale of fees under this section and standard terms and conditions under section 43 are not to provide for fees of different amounts in respect of—

(a) the discharge of a function referred to in subsection (2)(a), and

(b) the discharge of an equivalent function pursuant to an appointment pursuant to section 43(1).

F66(8) . . . . . .

F66(9) . . . . . .

F67(10) . . . . . .

F67(11) . . . . . .

(12) If it appears to **[**F68the **[**F69Wales Audit Office**]]** that the work involved in a particular case differed (or is likely to differ) substantially from that envisaged by the person prescribing the appropriate scale, **[**F68the **[**F69Wales Audit Office**]]** may charge a fee of an amount different from that referred to in subsection **[**F70(4A)**]**.

Textual Amendments

F54 S. 50(1) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F55 S. 50(1A) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(3)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F56 Words in s. 50(3) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(4)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F57 Words in s. 50(3) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F58 S. 50(4) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(4)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F59 S. 50(4A) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(6)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F60 Words in s. 50(5) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(7)(a)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F61 Words in s. 50(5) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(5)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

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F62 Words in s. 50(5) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(7)(b)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F63 Words in s. 50(5) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(5)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F64 Words in s. 50(6) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(8)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F65 Words in s. 50(6) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(6)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F66 S. 50(8)(9) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(7)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F67 S. 50(10)(11) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(9)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F68 Words in s. 50(12) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 91(10)(a)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

F69 Words in s. 50(12) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(8)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F70 Words in s. 50(12) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 109(8)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

51 Power of [F71Auditor General for Wales] to require information

(1) At any time after the appointment of a person under this Chapter in relation to an entity, the **[**F72Auditor General for Wales**]** may for the purpose specified in subsection (2) require the entity to produce to **[**F73the Auditor General for Wales**]** —

(a) the accounts audited by the person pursuant to section 43 or under section 44, or

(b) any other document or information relating to the entity to which the person has or had a right of access under or pursuant to this Chapter.

(2) The purpose referred to in subsection (1) is to enable **[**F74the Auditor General for Wales**]** to secure that persons appointed by the **[**F75Auditor General for Wales**]** under this Chapter maintain proper standards.

Textual Amendments

F71 Words in s. 51 heading substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 110(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F72 Words in s. 51(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 110(3)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F73 Words in s. 51(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 110(3)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F74 Words in s. 51(2) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 110(4)(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

F75 Words in s. 51(2) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 110(4)(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F76 52 Subsidiaries of Passenger Transport Executives

. . . . . .

Textual Amendments

F76 S. 52 omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 111**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

General

53 Regulations

(1) Regulations under section **[**F77 36(5)(b)**]** may provide for any expression used in formulating a condition specified in the regulations to have the meaning for the time being given by a relevant document identified in the regulations.

(2) In subsection (1), "relevant document"—

(a) means a document that (at the time the regulations are made) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 (c. 26) by regulations made under that provision, and

(b) includes a document so identified by virtue of section 21(5) of that Act.

(3) Regulations under this Chapter must be made by statutory instrument.

F78 (4) . . . . . .

(5) A statutory instrument containing regulations under this Chapter F79 ... is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Textual Amendments

F77 Words in s. 53(1) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 112(2)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F78 S. 53(4) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 112(3)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F79 Words in s. 53(5) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 112(4)**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

54 Interpretation

(1) In this Chapter—

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F80 . . . . . .

F80 . . . . . .

"company" has the same meaning as in Part 16 of the Companies Act 2006 (c. 46) (see section 1 of that Act);

"financial year"—

(a) in relation to a company, has the same meaning as in Part 16 of the Companies Act 2006 (see section 390 of that Act);

(b) in relation to a limited liability partnership, has the same meaning as in Part 16 of the Companies Act 2006 (as it applies in relation to limited liability partnerships);

(c) in relation to **[**F15a registered society**]**, means a year of account within the meaning of **[**F81the Co-operative and Community Benefit Societies Act 2014 (see sections 77 and 78 of that Act);**]**

F82 . . . . . .

"limited liability partnership" means a limited liability partnership formed under the Limited Liability Partnerships Act 2000 (c. 12) or the Limited Liability Partnerships Act (Northern Ireland) 2002 (c. 12 (N.I.));

"local authority" has the meaning given by section 36(6);

F80 . . . . . .

"qualifying Welsh local authority entity" has the meaning given by section 36(5);

[F83"registered society" has the meaning given by section 1 of the Co-operative and Community Benefit Societies Act 2014;**]**

"relevant entity" has the meaning given by section 36(3).

(2) In this Chapter references to an entity being "connected with" a local authority are to be construed in accordance with subsection (6) of section 212 of the Local Government and Public Involvement in Health Act 2007 (c. 28).

Textual Amendments

F15 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 149** (with Sch. 5)

F80 Words in s. 54(1) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 113**; S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F81 Words in s. 54(1) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 153(2)** (with Sch. 5)

F82 Words in s. 54(1) omitted (1.8.2014) by virtue of Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 153(3)** (with Sch. 5)

F83 Words in s. 54(1) inserted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 153(4)** (with Sch. 5)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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PART 3

LOCAL GOVERNMENT BOUNDARY AND ELECTORAL CHANGE

Establishment of the Local Government Boundary Commission for England

55 Local Government Boundary Commission for England

(1) The Local Government Boundary Commission for England is established as a body corporate.

(2) The Local Government Boundary Commission for England is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(3) Accordingly, the property of the Local Government Boundary Commission for England is not to be regarded as the property of the Crown or as property held on behalf of the Crown.

(4) The Local Government Boundary Commission for England may do anything, except borrow money, which is calculated to facilitate, or is incidental or conducive to, the exercise of its functions.

(5) Schedule 1 (which makes further provision about the constitution and administration of the Local Government Boundary Commission for England) is part of this Part.

Commencement Information
I23 S. 55 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(d)**

Local Government Boundary Commission for England: functions relating to electoral change

56 Review of electoral arrangements

(1) The Local Government Boundary Commission for England must from time to time—
(a) conduct a review of the area of each principal council, and
(b) recommend whether a change should be made to the electoral arrangements for that area.

(2) The Local Government Boundary Commission for England may at any time—
(a) conduct a review of all or any part of the area of a principal council, and
(b) recommend whether a change should be made to the electoral arrangements for the area of the principal council.

(3) In this Part "principal council" means—
(a) a county council in England;
(b) a district council;
(c) the Council of the Isles of Scilly;
(d) a London borough council.

(4) In this Part "electoral arrangements", in relation to the area of a principal council, means—

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(a) the total number of members of the council ("councillors"),
(b) the number and boundaries of electoral areas for the purposes of the election of councillors,
(c) the number of councillors to be returned by any electoral area in that area, and
(d) the name of any electoral area.

(5) Where under this section the Local Government Boundary Commission for England recommends that a change should be made to the electoral arrangements for the area of a principal council, the Commission must also recommend whether, in consequence, a change should be made to the electoral arrangements for the area of any parish council, where that area is within the area of the principal council.

(6) In this Part "electoral arrangements", in relation to the area of a parish council, means—
(a) the total number of members of the parish council ("parish councillors"),
(b) arrangements for the division of the parish or (in the case of a common parish council) any of the parishes into wards for the purposes of the election of parish councillors,
(c) the number and boundaries of any wards,
(d) the number of parish councillors to be returned by any ward or, in the case of a common parish council, by each parish, and
(e) the name of any ward.

(7) Section 6(2)(a) of the Local Government Act 1972 (c. 70) (electoral divisions of non-metropolitan county to return one councillor each) does not limit the recommendations that may be made under this section.

(8) Schedule 2 (which makes further provision relating to recommendations under this section) is part of this Part.

(9) A principal council or parish council must, if requested by the Local Government Boundary Commission for England to do so, provide the Commission, by such date as it may specify, with any information that it may reasonably require in connection with its functions under this section.

Commencement Information
I24 S. 56 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(e)**

57 Requests for review of single-member electoral areas

(1) A principal council which falls within subsection (3) may request the Local Government Boundary Commission for England to—
(a) conduct a review of the council's area under section 56(2)(a), and
(b) make recommendations as to single-member electoral areas under section 56(2)(b).

(2) In this section "recommendations as to single-member electoral areas" means recommendations, for each electoral area in the area of a principal council, as to whether the electoral area should return one member of the council.

(3) A principal council falls within this subsection if—

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(a) it is not the case that each of the electoral areas in the council's area returns one member of the council, and

(b) the council is subject to a scheme for whole-council elections.

(4) For the purposes of subsection (3)(b) a principal council is "subject to a scheme for whole-council elections" if, in each year in which ordinary elections of members of the council are to be held, all the members of the council are to be elected.

[F84(4A) A district council is also "subject to a scheme for whole-council elections" for those purposes if—

(a) section 34 of the Local Government and Public Involvement in Health Act 2007 (scheme for whole-council elections) applies to the council, but

(b) by virtue of subsection (4A) of that section (temporary continuation of previous electoral scheme), not all the members of the council are to be elected in a year in which ordinary elections of members of the council are to be held.**]**

(5) If the Local Government Boundary Commission for England grants a request under this section, in making its recommendations it must (in addition to the matters to be considered pursuant to Schedule 2) have regard to the desirability of securing that each electoral area in the principal council's area should return one member of the council.

(6) If the Local Government Boundary Commission for England decides not to grant a principal council's request under this section, it must notify the council of its decision and the reasons for it.

(7) Nothing in this section prevents the Local Government Boundary Commission for England, when making recommendations as to single-member electoral areas pursuant to subsection (1), from making other recommendations under section 56(2)(b).

(8) In subsections (2) and (5), references to electoral areas are, in relation to a case where the Local Government Boundary Commission for England makes recommendations for change to the number or boundaries of electoral areas in the area of a principal council, to the recommended electoral areas.

Textual Amendments

F84 S. 57(4A) inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 24(7)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)

Commencement Information

I25 S. 57 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(f)**

58 Review procedure

(1) As soon as reasonably practicable after deciding to conduct a review under section 56, the Local Government Boundary Commission for England must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—

(a) the fact that the review is to take place, and

(b) any particular matters to which the review is to relate.

(2) In conducting a review under section 56, the Local Government Boundary Commission for England must—

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(a) prepare and publish draft recommendations,

(b) take such steps as its considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made, and

(c) take into consideration any representations made to the Local Government Boundary Commission for England within that period.

(3) The Local Government Boundary Commission for England may at any time before publishing draft recommendations under subsection (2)(a) consult such persons as it considers appropriate.

(4) As soon as practicable after conducting a review under section 56, the Local Government Boundary Commission for England must—

(a) publish a report stating its recommendations, and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them.

Commencement Information

I26 S. 58 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(g)**

59 Implementation of review recommendations

(1) Where a report under section 58(4) contains recommendations for electoral changes, the Local Government Boundary Commission for England may by order give effect to all or any of the recommendations.

(2) An order under this section may in particular include provision as to—

(a) the total number of members of any principal council or parish council ("councillors");

(b) the number and boundaries of electoral areas for the purposes of the election of councillors;

(c) the number of councillors to be returned by any electoral area;

(d) the name of any electoral area;

(e) the election of councillors for any electoral area;

(f) the order of retirement of councillors;

(g) the ordinary year of election for a parish council.

(3) An order under this section may not require or authorise the holding of an election for membership of a principal council otherwise than at an ordinary election for that council.

(4) An order under this section may—

(a) contain incidental, consequential, supplementary or transitional provision, or savings;

(b) make different provision for different cases, including different provision for different areas or councils.

(5) The provision referred to in subsection (4)(a) may include provision—

(a) applying any instrument made under an enactment, with or without modifications,

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(b) extending, excluding or amending any such instrument, or

(c) repealing or revoking any such instrument.

(6) Where the Local Government Boundary Commission for England is satisfied that—

(a) a mistake has occurred in the preparation of an order under subsection (1), and

(b) the mistake is such that it cannot be rectified by a subsequent order under this section by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend),

the Local Government Boundary Commission for England may by order under this subsection make such provision as it thinks necessary or expedient for rectifying the mistake.

(7) In subsection (6), "mistake", in relation to an order, includes a provision contained in or omitted from the order in reliance on information supplied by any public body which is inaccurate or incomplete.

(8) An order under this section is to be made by statutory instrument.

(9) A draft of a statutory instrument containing an order under this section is to be laid before Parliament before the instrument is made.

Commencement Information

I27 S. 59 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(h)**

Local Government Boundary Commission for England: functions relating to boundary change

60 Transfer of functions relating to boundary change

(1) The functions of the Electoral Commission's Boundary Committee under Chapter 1 of Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (structural and boundary change) are, subject to this Part, transferred to the Local Government Boundary Commission for England.

(2) The functions of the Electoral Commission under the enactments specified in subsection (3) are, subject to the following provisions of this Part, transferred to the Local Government Boundary Commission for England.

(3) Those enactments are—

(a) section 2(4) of the Greater London Authority Act 1999 (c. 29) (constituencies for the Greater London Assembly);

(b) Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007 (electoral arrangements);

(c) section 59 of that Act (change of name of electoral area);

(d) Chapter 3 of Part 4 of that Act (parish re-organisation).

(4) In this Part, the "Electoral Commission's Boundary Committee" means the Boundary Committee for England constituted by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I28 S. 60 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(i)**

Termination of involvement of Electoral Commission

61 Removal of functions relating to boundary and electoral change

(1) The duty of the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000 (c. 41) to establish Boundary Committees is abolished so far as relating to England.

(2) Accordingly, the following provisions of that Act are repealed—

(a) section 14 (Boundary Committees), so far as relating to England;

(b) section 15 (Deputy Electoral Commissioners).

(3) In that Act, the following provisions (which provide for the transfer of functions etc to the Electoral Commission and which are not in force or in force only to a limited extent) are repealed—

(a) section 14 (Boundary Committees) so far as relating to Scotland, Wales and Northern Ireland;

(b) sections 16 and 17 (transfer of functions and property etc of Boundary Commissions to the Electoral Commission);

(c) sections 19 and 20 (transfer of functions of Local Government Boundary Commissions for Scotland and Wales to Electoral Commission);

(d) Part 1 of Schedule 3 (amendments relating to the transfer of functions of Boundary Commissions);

(e) in Schedule 22 (repeals), the entries relating to the Parliamentary Constituencies Act 1986 (c. 56) and the Boundary Commissions Act 1992 (c. 55).

Commencement Information
I29 S. 61 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(j)**

62 Transfer schemes

(1) For the purpose of the exercise of functions conferred on the Local Government Boundary Commission for England by or under this Part, the Electoral Commission must make one or more schemes for the transfer of property, rights and liabilities from the Electoral Commission to the Local Government Boundary Commission for England.

(2) The Electoral Commission may not make a scheme under this section—

(a) without consulting the Secretary of State;

(b) without the consent of the Electoral Commission's Boundary Committee.

(3) If the Electoral Commission and the Electoral Commission's Boundary Committee fail to agree on the provision to be included in a scheme under this section, the Secretary of State may by order specify the provision to be included in the scheme.

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(4) A scheme under this section must be made on or before—

(a) 31 December 2009, or

(b) such later date as the Secretary of State may by order specify.

(5) A transfer under a scheme under this section has effect in accordance with the terms of the scheme.

(6) A transfer under a scheme under this section may have effect—

(a) whether or not the property, rights and liabilities would otherwise be capable of being transferred;

(b) without any instrument or other formality being required.

(7) The rights and liabilities which may be transferred by a scheme under this section include rights and liabilities in relation to a contract of employment.

(8) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) apply to the transfer under a scheme under this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).

(9) A scheme under this section may define the property, rights and liabilities to be transferred by specifying or describing them.

(10) A scheme under this section may include supplementary, incidental, transitional and consequential provision and may in particular—

(a) make provision for the continuing effect of things done by the Electoral Commission in relation to anything transferred by the scheme;

(b) make provision for the continuation of things (including legal proceedings) in the process of being done, by or on behalf of or in relation to the Electoral Commission in relation to anything transferred by the scheme;

(c) make provision for references to the Electoral Commission in an agreement (whether written or not), instrument or other document in relation to anything transferred by the scheme to be treated (so far as necessary for the purposes of or in consequence of the transfer) as references to the Local Government Boundary Commission for England;

(d) make provision for the shared ownership or use of any property or facilities.

(11) Where a scheme has been made under this section, the Electoral Commission and the Local Government Boundary Commission for England may (subject to any order under this section) agree in writing to modify the scheme; and any such modification is to have effect as from the date the original scheme came into effect.

(12) An order under this section is to be made by statutory instrument.

(13) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Transitional

63 Continuity of functions

(1) Anything done before the relevant day by the Electoral Commission's Boundary Committee for the purposes of the discharge of its functions under Part 2 of the Local Government Act 1992 (c. 19) may for the purposes of the discharge of any function of

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the Local Government Boundary Commission for England under any of sections 56 to 59 be regarded as having been done by the Local Government Boundary Commission for England under that section.

(2) In subsection (1) "relevant day" means the day on which section 56 comes into force.

(3) Anything done before the relevant day by the Electoral Commission's Boundary Committee for the purposes of the discharge of any function referred to in section 60(1) may for the purposes of the discharge of that function by the Local Government Boundary Commission for England under Chapter 1 of Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) be regarded as having been done by the Local Government Boundary Commission for England under that Chapter.

(4) Anything done before the relevant day by the Electoral Commission for the purposes of the discharge of any function under an enactment specified in section 60(3) may for the purposes of the discharge of that function by the Local Government Boundary Commission for England under that enactment be regarded as having been done by the Local Government Boundary Commission for England under that enactment.

(5) In subsections (3) and (4), "relevant day" means the day on which section 60 comes into force.

Commencement Information
I30 S. 63 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(k)**

64 Interim provision

(1) Schedule 3 (which makes modifications to Part 2 of the Local Government Act 1992 (c. 19) for an interim period) is part of this Part.

(2) Where the Electoral Commission receives recommendations under Part 2 of the Local Government Act 1992 before the day on which this Act is passed, it must determine whether to give effect to any or all of those recommendations on or before 31 March 2010.

Miscellaneous

65 Electoral changes consequential on boundary change in England

(1) Chapter 1 of Part 1 of the Local Government and Public Involvement in Health Act 2007 (structural and boundary change) is amended as follows.

(2) In section 8 (review of local government areas) after subsection (6) insert—

"(6A) Where under subsection (2) the Local Government Boundary Commission recommend that a boundary change should be made in relation to any local government area, the Commission must recommend to the Secretary of State whether, in consequence, a change should be made to—

(a) the electoral arrangements of the area of a local authority;

(b) the electoral arrangements of the area of a parish council.

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(6B) In subsection (6A)(a) "electoral arrangements", in relation to the area of a local authority means—

(a) the total number of members of the local authority ("councillors");

(b) the number and boundaries of electoral areas for the purposes of the election of councillors;

(c) the number of councillors to be returned by any electoral area in that area; and

(d) the name of any electoral area.

(6C) In subsection (6A)(b) "electoral arrangements", in relation to the area of a parish council means—

(a) the total number of members of the parish council ("parish councillors");

(b) arrangements for the division of the parish or (in the case of a common parish council) any of the parishes into wards for the purposes of the election of parish councillors;

(c) the number and boundaries of any wards;

(d) the number of parish councillors to be returned by any ward or, in the case of a common parish council, by each parish; and

(e) the name of any ward.

(6D) Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 applies in relation to the making of recommendations under subsection (6A).

(6E) Where under subsection (2) the Local Government Boundary Commission recommend that a boundary change should be made in relation to the area of a London borough council, the Commission must recommend to the Secretary of State whether, in consequence, a change should be made to the area of any constituency for the London Assembly in order to comply with the rules set out in paragraph 7 of Schedule 1 to the Greater London Authority Act 1999."

(3) In that section, in subsection (7), for "subsection (1), (2), (5) or (6)" substitute " this section ".

(4) In section 10 (implementation of recommendations), after subsection (2) insert—

"(2A) Subsections (2B) to (2D) apply where the Local Government Boundary Commission make a recommendation to the Secretary of State under section 8(6A) or (6E) in consequence of a recommendation under section 8(2).

(2B) Where under subsection (1)(a) the Secretary of State implements the recommendation under section 8(2) without modification, the Secretary of State must by order implement the recommendation under section 8(6A) or (6E).

(2C) Where pursuant to subsection (1)(a) the Secretary of State proposes to implement the recommendation under section 8(2) with modification, the Secretary of State must request the Local Government Boundary Commission to recommend whether a modification is needed to their recommendation under section 8(6A) or (6E).

(2D) Where under section (1)(a) the Secretary of State implements a recommendation under section 8(2) with modification—

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(a) if the Local Government Boundary Commission have recommended under subsection (2C) that a modification is needed to their recommendation under section 8(6A) or (6E), the Secretary of State must by order implement the recommendation under section 8(6A) or (6E) with that modification;

(b) if the Local Government Boundary Commission have recommended under subsection (2C) that no modification is needed to the recommendation under section 8(6A) or (6E), the Secretary of State must by order implement that recommendation."

(5) In section 11 (implementation orders: provision that may be included)—

(a) in subsection (3), at the end insert—

"(i) electoral matters within the meaning of section 12.";

(b) in subsection (4), omit paragraph (d).

(6) In section 12 (provision relating to membership etc of authorities), in subsection (1)—

(a) for "section 11(4)" substitute " section 11(3) ";

(b) at the end insert—

"(l) the ordinary year of election for a parish council."

Commencement Information

I31 S. 65 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(l)**

66 Repeal of redundant provisions

The following provisions (which relate to the Local Government Commission for England) are repealed—

(a) in the Local Government Act 1992 (c. 19), section 12 and Schedule 2;

(b) in the Political Parties, Elections and Referendums Act 2000 (c. 41), section 18.

Commencement Information

I32 S. 66 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(m)**

General

67 Consequential and supplementary provision

(1) Schedule 4 (which contains amendments consequential on, and supplementary to, this Part) is part of this Part.

(2) The Secretary of State may by order make such other provision as the Secretary of State considers appropriate in consequence of any provision made by this Part.

(3) The power conferred in subsection (2) includes power to amend, repeal or revoke provision contained in an enactment passed or made before the day on which this Act is passed.

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(4) A order under subsection (2) is to be made by statutory instrument.

(5) A statutory instrument containing an order under subsection (2) which includes provision—

(a) amending or repealing provision contained in an Act, or

(b) amending or revoking provision contained in an instrument of which a draft was required to be laid before and approved by a resolution of each House of Parliament,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of each House of Parliament.

(6) A statutory instrument containing any other order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I33 S. 67 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(n)**

68 Interpretation

In this Part—

"the Electoral Commission's Boundary Committee" has the meaning given by section 60(4);

"electoral arrangements" has the meaning given in section 56(4) and (6);

"principal council" has the meaning given in section 56(3).

PART 4

LOCAL AUTHORITY ECONOMIC ASSESSMENTS

69 Local authority economic assessments

(1) A principal local authority in England must prepare an assessment of the economic conditions of its area.

(2) A principal local authority may revise the assessment, or any part or aspect of it, at any time.

(3) In this Part "principal local authority" means—

(a) a county council;

(b) a district council, other than a non-unitary district council;

(c) a London borough council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Council of the Isles of Scilly.

(4) In discharging its functions under this section, a principal local authority must consult such persons as it considers appropriate.

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(5) Where a principal local authority is a county council for an area for which there is a district council, the following duties also apply in relation to the discharge by the county council of its functions under this section—

(a) the county council must consult and seek the participation of the district council;

(b) the county council must have regard to any material produced by the district council in the discharge of the district council's functions under section 13 of the Planning and Compulsory Purchase Act 2004 (c. 5);

(c) the district council must co-operate with the county council.

(6) A principal local authority must have regard to any guidance given by the Secretary of State—

(a) as to what an assessment under this section should contain and how it should be prepared;

(b) as to when to prepare an assessment under subsection (1);

(c) as to when to revise any assessment, or any part or aspect of an assessment, under subsection (2).

(7) Before giving guidance under subsection (6) the Secretary of State must consult—

(a) such representatives of local government as the Secretary of State considers appropriate, and

(b) such other persons (if any) as the Secretary of State considers appropriate.

(8) In subsection (3), "non-unitary district council" means a district council for an area that is part of the area of a county council.

Modifications etc. (not altering text)

C1 S. 69 functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, **Sch. 3 para. 9**

C2 S. 69 functions made exercisable concurrently (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), art. 1, **Sch. 2 para. 4** (with art. 8(4))

C3 S. 69 functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), **Sch. 2 para. 4**

C4 S. 69 functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, **Sch. 2 para. 4**

C5 S. 69 functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 4**

C6 S. 69 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), Sch. 5 paras. 1, **4**

C7 S. 69 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **19** (with art. 28)

Commencement Information

I34 S. 69(1)(2)(4)(5) in force at 1.4.2010 by S.I. 2009/3318, **art. 4(o)**

I35 S. 69(3)(6)(7)(8) in force at 25.11.2009 by S.I. 2009/3087, **art. 2(a)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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PART 5

REGIONAL STRATEGY

Regional strategy

70 Regional strategy

F85(1) . . . . . .

F85(2) . . . . . .

F85(3) . . . . . .

F85(4) . . . . . .

(5) If to any extent a policy set out in **[**F86a regional strategy under this Part**]** conflicts with any other statement or information in the strategy, the conflict is to be resolved in favour of the policy.

F87(6) . . . . . .

F87(7) . . . . . .

F87(8) . . . . . .

Textual Amendments

F85 S. 70(1)-(4) repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F86 Words in s. 70(5) substituted (15.11.2011) by virtue of Localism Act 2011 (c. 20), s. 240(5)(h), **Sch. 8 para. 18**

F87 S. 70(6)-(8) repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Commencement Information

I36 S. 70 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(p)**

Authorities relevant to this Part

F88 71 Leaders' Boards

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Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 72 Responsible regional authorities

. . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Sustainable development

F88 73 Sustainable development

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Revisions of regional strategy

F88 74 Review and revision by responsible regional authorities

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 75 Community involvement

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 76 Examination in public

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

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F88 77 Matters to be taken into account in revision

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 78 Approval of revision by Secretary of State

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 79 Reserve powers of Secretary of State

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

F88 80 Revision: supplementary

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Implementation of strategy

F88 81 Implementation

. . . . . .

Textual Amendments

F88 Ss. 71-81 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

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Effect of strategy

82 Regional strategy as part of the development plan

(1) In section 38 of the Planning and Compulsory Purchase Act 2004 (c. 5) (development plan), in subsection (3)(a), for "regional spatial strategy" substitute " regional strategy ".

(2) For the purposes of that section, **[**[F89]a regional strategy under this Part is to be regarded as consisting solely of the regional spatial strategy under section 1 of the Planning and Compulsory Purchase Act 2004 that subsisted for the region concerned immediately before 1 April 2010.**]**

[F90](3) . . . . . .

Textual Amendments

F89 Words in s. 82(2) substituted (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(h), **Sch. 8 para. 19**

F90 S. 82(3) repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Commencement Information

I37 S. 82 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(aa)**

[F91]83 Duties of regional development agencies

. . . . . .

Textual Amendments

F91 S. 83 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6**; S.I. 2012/1662, art. 2(2)(b)

Supplementary

[F92]84 Guidance and directions

. . . . . .

Textual Amendments

F92 S. 84 repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

85 Consequential provision

(1) Schedule 5 (which contains amendments consequential on this Part) is part of this Part.

[F93](2) . . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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F93(3) . . . . . .

F93(4) . . . . . .

F93(5) . . . . . .

F93(6) . . . . . .

Textual Amendments

F93 S. 85(2)-(6) repealed (15.11.2011) by Localism Act 2011 (c. 20), **ss. 109(1)(b)**, 240(5)(h)(q) (with s. 144), Sch. 25 Pt. 15

Commencement Information

I38 S. 85 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(cc)**

General

F94 86 Regulations

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Textual Amendments

F94 S. 87 repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(q), **Sch. 25 Pt. 15**

F94 87 Interpretation

. . . . . .

Textual Amendments

F94 S. 87 repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(q), **Sch. 25 Pt. 15**

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

EPBs and their areas

88 EPBs and their areas

(1) The Secretary of State may by order establish as a body corporate an economic prosperity board (an "EPB") for an area that meets the following conditions.

(2) Condition A is that the area consists of the whole of two or more local government areas in England.

F95(3) . . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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F95(4) . . . . . .

(5) Condition D is that no part of the area forms part of—

(a) the area of another EPB, or

(b) the area of a combined authority.

(6) Condition E is that each local government area that forms part of the area was included in a scheme prepared and published under section 98.

(7) In this Part "local government area" means the area of—

(a) a county council, or

(b) a district council.

(8) An order under this section must specify the name by which the EPB is to be known.

Textual Amendments

F95 S. 88(3)(4) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 11(2)**, 25(2)

Commencement Information

I39 S. 88 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

Constitution and functions of EPBs

89 Constitution

(1) The Secretary of State may by order make provision in relation to an EPB about—

(a) the membership of the EPB;

(b) the voting powers of members of the EPB;

(c) the executive arrangements of the EPB.

(2) The provision that may be made about membership includes provision about—

(a) the number and appointment of members of the EPB;

(b) the remuneration of, and pensions or allowances payable to or in respect of, any member of the EPB.

(3) The provision that may be made about voting powers includes provision for different weight to be given to the vote of different descriptions of member.

(4) The provision that may be made about executive arrangements includes provision about—

(a) the appointment of an executive;

(b) the functions of the EPB that are the responsibility of an executive;

(c) the functions of the EPB that are the responsibility of an executive and that may be discharged by a committee of the EPB or by a body other than the EPB;

(d) arrangements relating to the review and scrutiny of the discharge of functions;

(e) access to information on the proceedings of an executive of the EPB;

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(f) the disapplication of section 15 of the Local Government and Housing Act 1989 (c. 42) (duty to allocate seats to political groups) in relation to an executive of the EPB or a committee of such an executive;

(g) the keeping of a record of any arrangements relating to the EPB and falling within paragraphs (a) to (f).

(5) An order under this section may not provide for the budget of an EPB to be agreed otherwise than by the EPB.

Commencement Information

I40 S. 89 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

90 Constitution: membership and voting

(1) An order under section 89 that includes provision about the number and appointment of members of an EPB must provide—

(a) for a majority of the members of the EPB to be appointed by the EPB's constituent councils,

(b) for those members to be appointed from among the elected members of the constituent councils, and

(c) for each constituent council that is a representative council to appoint at least one of its elected members as a member of the EPB.

(2) For the purposes of this section—

(a) a county council is a constituent council of an EPB if the area of the county council, or part of that area, is within the EPB's area;

(b) a district council is a constituent council of an EPB if the area of the district council is within the EPB's area.

(3) For the purposes of this section, the following are representative councils in relation to an EPB—

(a) if the EPB's area coincides with or includes the whole of the area of a county council, the county council;

(b) if the EPB's area includes part of the area of a county council—

(i) the county council, or

(ii) each district council for an area within that part,

as determined by or in accordance with the order;

(c) if the EPB's area includes the area of a unitary district council, the district council.

(4) In this Part "unitary district council" means a district council whose area is not part of the area of a county council.

(5) If an order under section 89 provides for members of an EPB to be appointed otherwise than from among the elected members of its constituent councils, the order must provide for those members to be non-voting members.

(6) The voting members of an EPB may resolve that provision made in accordance with subsection (5) is not to apply in the case of the EPB.

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information

I41 S. 90 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

91 Exercise of local authority functions

(1) The Secretary of State may by order provide for a function of a local authority that is exercisable in relation to an area **[**F96all or part of which is**]** within an EPB's area to be exercisable by the EPB in relation to the EPB's area.

(2) The Secretary of State may make an order under this section only if the Secretary of State considers that the function can appropriately be exercised by the EPB.

(3) An order under this section may make provision for the function to be exercisable by the EPB either generally or subject to such conditions or limitations as may be specified in the order.

(4) An order under this section may make provision—

(a) for the function to be exercisable by the EPB instead of by the local authority, F97...

(b) for the function to be exercisable by the EPB concurrently with the local authority.

[F98(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.**]**

(5) An EPB must perform the functions that are exercisable by the EPB by virtue of this section with a view to promoting the economic development and regeneration of its area.

(6) In this section "local authority" means—

(a) a county council, or

(b) a district council.

Textual Amendments

F96 Words in s. 91(1) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 18(2)**

F97 Word in s. 91(4)(a) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 18(3)(a)**

F98 S. 91(4)(c)(d) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 18(3)(b)**

Commencement Information

I42 S. 91 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

92 Funding

(1) The Secretary of State may by order make provision—

(a) for the costs of an EPB to be met by its constituent councils, and

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(b) about the basis on which the amount payable by each constituent council is to be determined.

(2) For the purposes of this section—

(a) a county council is a constituent council of an EPB if the area of the county council, or part of that area, is within the EPB's area;

(b) a district council is a constituent council of an EPB if the area of the district council is within the EPB's area.

Commencement Information

I43 S. 92 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

93 Accounts

(1) Each EPB must keep a fund to be known as the general fund.

(2) All receipts of the EPB must be carried to that fund.

(3) All liabilities falling to be discharged by the EPB must be discharged out of that fund.

(4) Accounts must be kept of—

(a) receipts carried to the general fund, and

(b) payments made out of the general fund.

Commencement Information

I44 S. 93 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

94 Change of name

(1) An EPB may change its name by a resolution in accordance with this section.

(2) The resolution must be considered at a meeting of the EPB that is specially convened for the purpose.

(3) Particulars of the resolution must have been included in the notice of the meeting.

(4) The resolution must be passed at the meeting by not less than two-thirds of the members of the EPB who vote on it.

(5) An EPB that changes its name under this section must—

(a) send notice of the change to the Secretary of State, and

(b) publish the notice in such manner as the Secretary of State may direct.

(6) A change of name under this section does not affect the rights or obligations of the EPB or any other person, or render defective any legal proceedings.

(7) Any legal proceedings may be commenced or continued as if there had been no change of name.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Commencement Information
I45 S. 94 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

Changes to and dissolution of an EPB's area

95 Changes to boundaries of an EPB's area

(1) The Secretary of State may by order change the boundaries of an EPB's area by—
(a) adding a local government area to an existing area of an EPB, or
(b) removing a local government area from an existing area of an EPB.

(2) An order may be made under this section only if—
(a) the area to be created by the order meets **[**F99conditions A and D**]** in section 88, and
(b) each council to whom this section applies consents to the making of the order.

(3) This section applies to—
(a) a county council whose area, or part of whose area, is to be added to or removed from the existing area of the EPB;
(b) a district council whose area is to be added to or removed from the existing area of the EPB.

Textual Amendments
F99 Words in s. 95(2)(a) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 11(3)**, 25(2)

Commencement Information
I46 S. 95 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

96 Dissolution of an EPB's area

(1) The Secretary of State may by order—
(a) dissolve an EPB's area, and
(b) abolish the EPB for the area.

(2) An order may be made under this section only if a majority of the councils to whom this section applies consent to the making of the order.

(3) This section applies to—
(a) a county council whose area, or part of whose area, is within the EPB's area;
(b) a unitary district council whose area is within the EPB's area.

Commencement Information
I47 S. 96 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Requirements in connection with orders about EPBs

97 Review by authorities: new EPB

(1) Any two or more of the authorities to whom this section applies may undertake a review of the effectiveness and efficiency of arrangements to promote economic development and regeneration within the area covered by the review ("the review area").

(2) This section applies to—
- (a) a county council in England;
- (b) a district council in England.

(3) Where the review is being undertaken by a county council, the review area must include—
- (a) the areas of one or more district councils that are within the area of the county council, or
- (b) if there are no such areas, the area of the county council.

(4) Where the review is being undertaken by a district council, the review area must include the area of the district council.

(5) The review area may also include the area of any county council or district council in England not undertaking the review.

Commencement Information
I48 S. 97 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

98 Preparation and publication of scheme: new EPB

(1) This section applies where two or more of the authorities that have undertaken a review under section 97 conclude that the establishment of an EPB for an area would be likely to improve—
- (a) the exercise of statutory functions relating to economic development and regeneration in the area, and
- (b) economic conditions in the area.

(2) The authorities may prepare and publish a scheme for the establishment of an EPB for the area ("the scheme area").

(3) Subject as follows, the scheme area—
- (a) must consist of or include the whole or any part of the review area,
- (b) may include one or more other local government areas, and
- (c) must meet **[**F100condition A**]** in section 88.

(4) The scheme area may not include a local government area unless each appropriate authority for that area—
- (a) participates in the preparation of the scheme, or
- (b) consents to its inclusion in the scheme area.

(5) For this purpose—

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(a) a county council is an appropriate authority for a local government area that is or forms part of the area of that county council;

(b) a district council is an appropriate authority for a local government area that is the area of that district council.

Textual Amendments

F100 Words in s. 98(3)(c) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 11(4)**, 25(2)

Commencement Information

I49 S. 98 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

99 Requirements in connection with establishment of EPB

(1) The Secretary of State may make an order establishing an EPB for an area only if, having regard to a scheme prepared and published under section 98, the Secretary of State considers that to do so is likely to improve—

(a) the exercise of statutory functions relating to economic development and regeneration in the area, and

(b) economic conditions in the area.

(2) Before making the order, the Secretary of State must consult—

(a) each appropriate authority, and

(b) such other persons (if any) as the Secretary of State considers appropriate.

(3) For the purposes of this section—

(a) a county council is an appropriate authority if the area of the county council, or part of that area, is within the area for which the EPB is to be established;

(b) a district council is an appropriate authority if the area of the district council is within the area for which the EPB is to be established.

[F101(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing an EPB for an area and—

(a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or

(b) a local government area that is not within the area is surrounded by local government areas that are within the area.

(3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed EPB on economic development or regeneration in each local government area that is next to any part of the proposed EPB area.**]**

(4) In making the order, the Secretary of State must have regard to the need—

(a) to reflect the identities and interests of local communities, and

(b) to secure effective and convenient local government.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F101 S. 99(3A)(3B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 11(5)**, 25(2)

Commencement Information

I50 S. 99 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

100 Review by authorities: existing EPB

(1) Any one or more of the authorities to whom this section applies may undertake, in relation to an existing EPB, **[**F102a review of—

(a) a matter in relation to which an order may be made under section 95 or 96;

(b) a matter concerning the EPB that the EPB has power to determine.**]**

(2) This section applies to—

(a) an EPB;

(b) a county council whose area, or part of whose area, is within an area of an EPB or could be within a proposed area of an EPB;

(c) a district council whose area is within an area of an EPB or could be within a proposed area of an EPB.

F103(3) . . . . . .

(4) The review must relate to one or more areas of an EPB or proposed areas of an EPB.

(5) In this section and section 101 a "proposed area of an EPB" means an area of an EPB that may be created by an order under section 95 (changes to boundaries of an EPB's area).

Textual Amendments

F102 Words in s. 100(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(2)(a)**, 25(2)

F103 S. 100(3) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(2)(b)**, 25(2)

Commencement Information

I51 S. 100 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

101 Preparation and publication of scheme: existing EPB

(1) This section applies where one or more of the authorities that have undertaken a review under section 100 conclude that the exercise of the power to make an order under **[**F104section 95 or 96**]** would be likely to improve—

(a) the exercise of statutory functions relating to economic development and regeneration in an area of an EPB or a proposed area of an EPB, or

(b) economic conditions in such an area.

(2) The authorities may prepare and publish a scheme relating to the power F105... in question.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(3) The reference in subsection (1) to an area of an EPB includes an area that would cease to be an area of an EPB if an order were made in relation to that area under section 96 (dissolution of an EPB's area).

Textual Amendments

F104 Words in s. 101(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(3)(a)**, 25(2)

F105 Words in s. 101(2) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(3)(b)**, 25(2)

Commencement Information

I52 S. 101 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

[F106 101A Application in respect of change to constitution, functions or funding: existing EPB

(1) Any one or more of the authorities to whom this section applies may, in relation to an existing EPB, apply to the Secretary of State in respect of one or more EPB matters.

(2) This section applies to—

(a) the EPB;

(b) a county council whose area, or part of whose area, is within the area of the EPB;

(c) a district council whose area is within the area of the EPB.

(3) For the purposes of this section an "EPB matter" is a matter in relation to which an order may be made under any of sections 89, 91 and 92.

(4) An application to the Secretary of State under subsection (1) must—

(a) be made in writing;

(b) specify how the exercise of the power to make an order under any one or more of sections 89, 91 and 92 would be likely to improve—

(i) the exercise of statutory functions relating to economic development and regeneration in the area of the EPB, or

(ii) economic conditions in the area of the EPB.

(5) An application may be made under this section only if every authority to whom this section applies consents to the making of the application.**]**

Textual Amendments

F106 S. 101A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(4)**, 25(2)

102 Requirements in connection with changes to existing EPB arrangements

(1) The Secretary of State may make an order under any of sections 89, 91, 92, 95 and 96 in relation to an existing EPB only if, having regard to a scheme prepared and

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published under section 101 **[**F107or to an application made under section 101A**]**, the Secretary of State considers that the making of the order is likely to improve—

(a) the exercise of statutory functions relating to economic development and regeneration in the area or areas to which the order relates, or

(b) economic conditions in that area or those areas.

(2) Before making the order, the Secretary of State must consult—

(a) such of the authorities mentioned in section 100(2) **[**F108or section 101A(2)**]**, and

(b) such other persons (if any),

as the Secretary of State considers appropriate.

[F109(2A) Subsection (2B) applies where the Secretary of State is considering whether to make an order under section 95 and—

(a) part of the area to be created is separated from the rest of it by one or more local government areas that are not within the area, or

(b) a local government area that is not within the area to be created is surrounded by local government areas that are within the area.

(2B) In deciding whether to make the order under section 95, the Secretary of State must have regard to the likely effect of the proposed change to the EPB's area on economic development or regeneration in each local government area that is next to any part of the area to be created by the order.**]**

(3) In making the order, the Secretary of State must have regard to the need—

(a) to reflect the identities and interests of local communities, and

(b) to secure effective and convenient local government.

Textual Amendments

F107 Words in s. 102(1) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(5)(a)**, 25(2)

F108 Words in s. 102(2)(a) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 13(5)(b)**, 25(2)

F109 S. 102(2A)(2B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 11(6)**, 25(2)

Commencement Information

I53 S. 102 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

Combined authorities and their areas

103 Combined authorities and their areas

(1) The Secretary of State may by order establish as a body corporate a combined authority for an area that meets the following conditions.

(2) Condition A is that the area consists of the whole of two or more local government areas in England.

F110(3) . . . . . .

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F110(4) . . . . . .

(5) Condition D is that no part of the area forms part of—

(a) the area of another combined authority,

(b) the area of an EPB, or

(c) an integrated transport area.

F111(6) . . . . . .

(7) An order under this section must specify the name by which the combined authority is to be known.

Textual Amendments

F110 S. 103(3)(4) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 12(2)**, 25(2)

F111 S. 103(6) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(2)**, 25(2)

Modifications etc. (not altering text)

C8 S. 103 power to transfer functions conferred by 2008 c. 26, s. 89A (as inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 127**; S.I. 2009/3318, art. 2(c))

Commencement Information

I54 S. 103 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

104 Constitution and functions: transport

(1) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an Integrated Transport Authority (an "ITA") under the following provisions of the Local Transport Act 2008 (c. 26)—

(a) section 84 (constitutional arrangements);

(b) section 86 (delegation of functions of the Secretary of State);

(c) section 87 (delegation of local authority functions);

(d) section 88 (conferral of a power to direct).

(2) Section 85 of that Act (provision about membership of an ITA) applies to—

(a) an order under subsection (1)(a) of this section, and

(b) the combined authority to whom that order applies,

as it applies to an order under section 84 of that Act and the ITA to whom that order applies.

[F112(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).

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(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.**]**

(3) The following provisions of that Act apply in relation to a combined authority on whom functions of a kind described in section 88 of that Act are conferred as they apply in relation to an ITA on whom such functions are conferred—

(a) section 88(10) (provisions about directions);

(b) section 89(2) and (3) (power to remedy contravention of direction).

(4) Section 97 of that Act (change of name of ITA) applies to a combined authority as it applies to an ITA.

(5) The Secretary of State may by order transfer functions of an ITA to a combined authority.

(6) An order under subsection (5) may only be made in relation to functions exercisable by the ITA in relation to an area that becomes, or becomes part of, the combined authority's area by virtue of an order under this Part.

(7) The Secretary of State may by order provide for any function that is conferred or imposed on a Passenger Transport Executive by any enactment (whenever passed or made) to be exercisable by a combined authority or the executive body of a combined authority in relation to the combined authority's area.

(8) An order under subsection (7) may make provision for any function that—

(a) is conferred or imposed on an ITA by any enactment (whenever passed or made), and

(b) relates to the functions of a Passenger Transport Executive,

to be exercisable by a combined authority in relation to the combined authority's area.

[F113(9) Schedule 5A makes provision for combined authorities to have overview and scrutiny committees and audit committees; and provision made in an order under subsection (1) is subject to that Schedule.**]**

[F114(10) An order under this section may be made in relation to a combined authority only with the consent of—

(a) the constituent councils, and

(b) in the case of an order in relation to an existing combined authority, the combined authority.

(11) In subsection (10) "constituent council" means—

(a) a county council the whole or any part of whose area is within the area or proposed area of the combined authority, or

(b) a district council whose area is within the area or proposed area of the combined authority.

(12) Subsection (10) is subject to section 106A.**]**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Textual Amendments

F112 S. 104(2A)-(2D) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 19**

F113 S. 104(9) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 8(1)**, 25(2)

F114 S. 104(10)-(12) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(3)**, 25(2)

Commencement Information

I55 S. 104 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

105 Constitution and functions: [F115local authority functions generally]

(1) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an EPB under section 91 (exercise of local authority functions).

[F116(2) Section 91(5) does not apply in relation to functions exercisable by a combined authority by virtue of subsection (1).**]**

(3) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an EPB under section 92 (funding).

[F117(3A) An order under this section may be made in relation to a combined authority only with the consent of—

(a) the constituent councils (as defined by section 104(11)), and

(b) in the case of an order in relation to an existing combined authority, the combined authority.

(3B) Subsection (3A) is subject to section 106A.**]**

F118(4) . . . . . .

Textual Amendments

F115 Words in s. 105 heading substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 6(2)(b)**, 25(2)

F116 S. 105(2) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 6(2)(a)**, 25(2)

F117 S. 105(3A)(3B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(4)**, 25(2)

F118 S. 105(4) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 9(5)**, 25(2)

Commencement Information

I56 S. 105 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

[F119105A Other public authority functions

(1) The Secretary of State may by order—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) make provision for a function of a public authority that is exercisable in relation to a combined authority's area to be a function of the combined authority;

(b) make provision for conferring on a combined authority in relation to its area a function corresponding to a function that a public authority has in relation to another area.

(2) An order under subsection (1) may include further provision about the exercise of the function including—

(a) provision for the function to be exercisable by the public authority or combined authority subject to conditions or limitations specified in the order;

(b) provision as to joint working arrangements between the combined authority and public authority in connection with the function (for example, provision for the function to be exercised by a joint committee).

(3) The provision that may be included in an order under subsection (1)(a) includes, in particular, provision—

(a) for the combined authority to have the function instead of the public authority,

(b) for the function to be exercisable by the combined authority concurrently with the public authority,

(c) for the function to be exercisable by the combined authority and the public authority jointly, or

(d) for the function to be exercisable by the combined authority jointly with the public authority but also continue to be exercisable by the public authority alone.

(4) An order under subsection (1)(a) may, in particular, include—

(a) provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities) from the public authority to the combined authority (including provision corresponding to any provision made by section 17(4) to (7) of the Localism Act 2011);

(b) provision to abolish the public authority in a case where, as a result of the order, it will no longer have any functions.

(5) An order under this section may not provide for a regulatory function that is exercisable by a public authority in relation to the whole of England to be exercisable by a combined authority in relation to its area if the regulated function is itself exercisable by the combined authority by virtue of an order under this section.

(6) Subsection (7) applies where an order under subsection (1) contains a reference to a document specified or described in the order (for example, in imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).

(7) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed—

(a) as a reference to that document as amended from time to time, or

(b) as including a reference to a subsequent document that replaces that document,

the order may make express provision to that effect.

(8) See also section 18 of the Cities and Local Government Devolution Act 2016 (devolving health service functions) which contains further limitations.

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(9) In this section—

"function" (except in subsection (4)(b)) does not include a power to make regulations or other instruments of a legislative character;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"public authority"—

(a) includes a Minister of the Crown or a government department;

(b) does not include a county council or district council;

"regulated function" means the function of carrying out an activity to which a regulatory function relates;

"regulatory function" has the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006.

Textual Amendments

F119 Ss. 105A, 105B inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 7**, 25(2)

Modifications etc. (not altering text)

C9 S. 105A modified (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 18**, 25(2)

105B Section 105A orders: procedure

(1) The Secretary of State may make an order under section 105A only if—

(a) a proposal for the making of the order in relation to the combined authority has been made to the Secretary of State by the appropriate authorities, or

(b) the appropriate consent is given and the Secretary of State considers that the making of the order is likely to improve the exercise of statutory functions in the area or areas to which the order relates.

(2) For the purposes of subsection (1)(b), the appropriate consent is given to the making of an order under section 105A only if—

(a) in the case of an order in relation to an existing combined authority, each appropriate authority consents;

(b) in any other case, each constituent council consents.

Paragraph (a) is subject to subsections (3) and (4).

(3) Subsection (4) applies where—

(a) an order under section 105A in relation to an existing combined authority is the first such order to be made in relation to that authority,

(b) the authority is not a mayoral combined authority, and

(c) there are one or more constituent councils who do not consent to the making of the order.

(4) For the purposes of subsection (1)(b), the appropriate consent is given to the making of the order if the combined authority and at least two constituent councils consent to the making of the order.

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(5) Where an order under section 105A is made by virtue of subsection (4) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.

(6) The requirement in subsection (1)(b) for the appropriate consent to be given to the making of an order under section 105A does not apply where—

(a) the order revokes (in whole or in part), or otherwise amends, a previous order under that section, and

(b) the only purpose of the order is to provide for a health service function of a combined authority to cease to be exercisable by the authority.

(7) In subsection (6)(b), "health service function of a combined authority" means a function which—

(a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and

(b) is exercisable by the combined authority by virtue of an order under section 105A.

(8) The requirement in subsection (1)(b) for the appropriate consent to be given is subject to section 106A.

(9) At the same time as laying a draft of a statutory instrument containing an order under this section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the order and why the Secretary of State considers it appropriate to make the order.

(10) 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 order, and

(c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.

(11) A proposal under subsection (1)(a) may be included in a scheme prepared and published under section 109 or 112.

(12) For the purposes of this section "the appropriate authorities" are—

(a) each county council the whole or any part of whose area is within the area for which the combined authority is, or is to be, established,

(b) each district council whose area is within the area for which the combined authority is, or is to be, established, and

(c) in the case of an order in relation to an existing combined authority, the combined authority,

and a "constituent council" is a council within paragraph (a) or (b).**]**

Textual Amendments

F119 Ss. 105A, 105B inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 7**, 25(2)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

106 Changes to boundaries of a combined authority's area

(1) The Secretary of State may by order change the boundaries of a combined authority's area by—

(a) adding a local government area to an existing area of a combined authority, or

(b) removing a local government area from an existing area of a combined authority.

(2) An order may be made under this section only if—

(a) the area to be created by the order meets **[**F120conditions A and D**]** in section 103, F121...

F122(b) . . . . . .

F123(3) . . . . . .

[F124(3A) An order under this section adding or removing a local government area to or from an existing area of a combined authority may be made only if—

(a) the relevant council in relation to the local government area consents,

(b) the combined authority consents, and

(c) the mayor for the area of the combined authority (if it is a mayoral combined authority) also consents.

(3B) For the purposes of subsection (3A)(a), the "relevant council" in relation to a local government area is—

(a) if the local government area is the area of a county council, the county council;

(b) if the local government area is the area of a district council whose area does not form part of the area of a county council, the district council;

(c) if the local government area is the area of a district council whose area forms part of the area of a county council, the district council or the county council.

(3C) If there are two relevant councils in relation to a local government area by virtue of subsection (3B)(c), the condition in subsection (3A)(a) for the relevant council to consent is met if—

(a) in the case of an order under subsection (1)(a), either or both of the relevant councils consent;

(b) in the case of an order under subsection (1)(b), both of the relevant councils consent.

(3D) Subsections (2) and (3A) do not apply to an order under subsection (1)(b) that is made as a result of the duty in section 105B(5) or 107B(4).**]**

(4) Where by virtue of an order an area ceases to be part of the area of a combined authority, the order—

(a) must make provision for designating an authority to be a local transport authority for the area for the purposes of section 108(4) of the Transport Act 2000 (c. 38), and

(b) may transfer functions to that authority from the combined authority that was formerly the local transport authority.

(5) Provision made by virtue of subsection (4) may designate different authorities for different parts of the area.

(6) The reference in subsection (4)(a) to an authority does not include an ITA.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(7) Subsection (4) does not apply if the area becomes part of the integrated transport area of an ITA by virtue of an order under section 78 or 90 of the Local Transport Act 2008 (c. 26).

Textual Amendments

F120 Words in s. 106(2)(a) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 12(3)**, 25(2)

F121 Word in s. 106(2)(a) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 20**

F122 S. 106(2)(b) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(5)(a)**, 25(2)

F123 S. 106(3) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(5)(b)**, 25(2)

F124 S. 106(3A)-(3D) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(5)(c)**, 25(2)

Commencement Information

I57 S. 106 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

[F125 106A Section 106(1)(a) orders: consent requirements under other powers

(1) Subsection (2) applies where—

(a) the area of a district council is added to the area of a combined authority by an order under section 106(1)(a),

(b) the area of the district council forms part of the area of a county council,

(c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and

(d) (apart from subsection (2)) the relevant power is exercisable only with the consent of (among other authorities) the county council mentioned in paragraph (b).

(2) The relevant power is exercisable whether or not the county council consents.

(3) Subsection (4) applies where—

(a) the area of a county council is added to the area of a combined authority by an order under section 106(1)(a),

(b) the area of the county council includes the areas of district councils,

(c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and

(d) (apart from subsection (4)) the relevant power is exercisable only with the consent of (among other authorities) a district council within paragraph (b).

(4) The relevant power is exercisable whether or not the district council consents.

(5) In this section, "relevant power" means a power—

(a) to make an order under section 104, 105 or 105A, or

(b) to make regulations under—

(i) section 74 of the Local Government Finance Act 1988 (by virtue of subsection (8) of that section), or

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(ii) section 23(5) of the Local Government Act 2003.**]**

Textual Amendments

F125 S. 106A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(6)**, 25(2)

107 Dissolution of a combined authority's area

(1) The Secretary of State may by order—

(a) dissolve a combined authority's area, and

(b) abolish the combined authority for that area.

(2) An order may be made under this section **[**[F126]only if—

(a) a majority**]** of the councils to whom this subsection applies consent to the making of the order**[**[F127], 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) Subsection (2) applies to—

(a) a county council whose area, or part of whose area, is within the combined authority's area;

(b) a unitary district council whose area is within the combined authority's area.

(4) The order—

(a) must make provision for designating an authority to be a local transport authority for the area that was previously the combined authority's area for the purposes of section 108(4) of the Transport Act 2000 (c. 38), and

(b) may transfer functions to that authority from the combined authority that was formerly the local transport authority.

[[F128](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.**]**

(5) Provision made by virtue of subsection (4) may designate different authorities for different parts of the area.

(6) The reference in subsection (4)(a) to an authority does not include an ITA.

(7) Subsection (4) does not apply to a territory or part of a territory that becomes the integrated transport area or part of the integrated transport area of an ITA by virtue of an order under section 78 or 90 of the Local Transport Act 2008.

Textual Amendments

F126 Words in s. 107(2) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 21(2)(a)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

F127 S. 107(2)(b) and preceding word inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 21(2)(b)**

F128 S. 107(4A) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 21(3)**

Commencement Information

I58 S. 107 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

[F129 Mayors for combined authority areas

Textual Amendments

F129 Ss. 107A, 107B and cross-heading inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 2(1)**, 25(2)

107A Power to provide for election of mayor

(1) The Secretary of State may by order provide for there to be a mayor for the area of a combined authority.

(2) A mayor for the area of a combined authority is to be elected by the local government electors for that area in accordance with provision made by or under this Part.

(3) In subsection (2) "local government elector" has the meaning given by section 270(1) of the Local Government Act 1972.

(4) Schedule 5B makes further provision about the election of mayors for areas of combined authorities.

(5) A mayor for the area of a combined authority is entitled to the style of "mayor".

(6) A mayor for the area of a combined authority is by virtue of that office a member of, and the chair of, the combined authority.

(7) An order under this section providing for there to be a mayor for the area of a combined authority may not be revoked by making a further order under this section; but this does not prevent the making of an order under section 107 abolishing the authority (together with the office of mayor).

(8) In this Part "mayoral combined authority" means a combined authority for an area for which provision is made in an order under this section for there to be a mayor.

107B Requirements in connection with orders under section 107A

(1) The Secretary of State may make an order under section 107A in relation to a combined authority's area if a proposal for there to be a mayor for the authority's area has been made to the Secretary of State by the appropriate authorities.

(2) A proposal under subsection (1) may be included in a scheme prepared and published under section 109 or 112.

(3) An order under section 107A may also be made without any such proposal having been made if—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) the appropriate authorities consent, or

(b) in the case of an existing combined authority, there are one or more non-consenting constituent councils but the combined authority and at least two constituent councils consent.

(4) Where an order under section 107A is made by virtue of subsection (3)(b) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.

(5) For the purposes of this section "the appropriate authorities" are—

(a) each county council the whole or any part of whose area is within the area for which the combined authority is, or is to be, established,

(b) each district council whose area is within the area for which the combined authority is, or is to be, established, and

(c) in the case of an order in relation to an existing combined authority, the combined authority,

and a "constituent council" is a council within paragraph (a) or (b).**]**

[F130 107C Deputy mayors etc

(1) The mayor for the area of a combined authority must appoint one of the members of the authority to be the mayor's deputy.

(2) The deputy mayor holds office until the end of the term of office of the mayor, subject to subsection (3).

(3) A person ceases to be the deputy mayor if at any time—

(a) the mayor removes the person from office;

(b) the person resigns as deputy mayor;

(c) the person ceases to be a member of the combined authority.

(4) If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the combined authority to be deputy mayor.

(5) The deputy mayor must act in place of the mayor if for any reason—

(a) the mayor is unable to act, or

(b) the office of mayor is vacant.

(6) If for any reason—

(a) the mayor is unable to act or the office of mayor is vacant, and

(b) the deputy mayor is unable to act or the office of deputy mayor is vacant,

the other members of the combined authority must act together in place of the mayor, taking decisions by a simple majority.

(7) In this Part "deputy mayor", in relation to a mayoral combined authority, means the person appointed under this section by the mayor for the authority's area.**]**

Textual Amendments

F130 S. 107C inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 3**, 25(2)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

[F131 107D Functions of mayors: general

(1) The Secretary of State may by order make provision for any function of a mayoral combined authority to be a function exercisable only by the mayor.

(2) In this Part references to "general functions", in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than PCC functions.

(3) The mayor may arrange—

(a) for the deputy mayor to exercise any general function of the mayor,

(b) for another member or officer of the combined authority to exercise any such function, or

(c) so far as authorised by an order made by the Secretary of State—

(i) for a person appointed as the deputy mayor for policing and crime by virtue of an order under paragraph 3(1) of Schedule 5C, or

(ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority),

to exercise any such function.

(4) An order under subsection (3)(c)(ii) may include provision—

(a) about the membership of the committee;

(b) about the member of the committee who is to be its chair;

(c) about the appointment of members;

(d) about the voting powers of members (including provision for different weight to be given to the vote of different descriptions of member);

(e) about information held by the combined authority that must, or must not, be disclosed to the committee for purposes connected to the exercise of the committee's functions;

(f) applying (with or without modifications) sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

(5) Provision in an order under subsection (1) for a function to be exercisable only by the mayor is subject to subsection (3); but the Secretary of State may by order provide that arrangements under subsection (3)—

(a) may authorise the exercise of general functions only of a description specified in the order, or

(b) may not authorise the exercise of general functions of a description so specified.

(6) Any general function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—

(a) by the mayor individually, or

(b) in accordance with arrangements made by virtue of this section or section 107E [F132 or 107EA].

(7) An order under this section may—

(a) include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B (5)));

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(b) provide for members or officers of a mayoral combined authority to assist the mayor in the exercise of general functions;

(c) confer ancillary powers on the mayor for the purposes of the exercise of general functions;

(d) authorise the mayor to appoint one person as the mayor's political adviser;

(e) provide for the terms and conditions of any such appointment;

(f) provide that functions that the mayoral combined authority discharges in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 (discharge of local authority functions by another authority) are to be treated as general functions exercisable by the mayor (so far as authorised by the arrangements).

(8) Provision under subsection (7)(c) may include provision conferring power on the mayor that is similar to any power exercisable by the mayoral combined authority—

(a) under section 113A, or

(b) under an order made under section 113D,

but the power conferred on the mayor may not include a power to borrow money.

(9) An order under this section may be made only with the consent of—

(a) the appropriate authorities (as defined by section 107B(5)), and

(b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.

(10) Where an order under this section is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (9) above.

Textual Amendments

F131 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 4(1)**, 25(2)

F132 Words in s. 107D(6)(b) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(3)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

Modifications etc. (not altering text)

C10 S. 107D(3) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I. 2017/469), arts. 1(3), **5(2)**

107E Joint exercise of general functions

(1) The Secretary of State may by order make provision for, or in connection with, permitting arrangements under section 101(5) of the Local Government Act 1972 to be entered into in relation to general functions of a mayor for the area of a combined authority.

(2) Provision under subsection (1) may include provision—

(a) for the mayor for the area of a combined authority to be a party to the arrangements in place of, or jointly with, the authority;

(b) about the membership of any joint committee;

(c) about the member of the joint committee who is to be its chair;

(d) about the appointment of members to a joint committee;

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(e) about the voting powers of members of a joint committee (including provision for different weight to be given to the vote of different descriptions of member).

(3) Provision under subsection (2)(b) to (d) may include provision for the mayor or other persons—

(a) to determine the number of members;

(b) to have the power to appoint members (whether or not members of the combined authority or a local authority that is a party to the arrangements).

(4) Provision under subsection (2)(d) may include provision as to the circumstances in which appointments to a joint committee need not be made in accordance with sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

(5) In this section references to a joint committee are to a joint committee falling within section 101(5)(a) of the Local Government Act 1972 that is authorised to discharge, by virtue of an order under this section, general functions of a mayor for the area of a combined authority.

Textual Amendments

F131 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 4(1)**, 25(2)

[F133 107E Exercise of fire and rescue functions

(1) This section applies to a mayor for the area of a combined authority who—

(a) by virtue of section 107D(1), may exercise functions which are conferred on a fire and rescue authority in that name ("fire and rescue functions"), and

(b) by virtue of section 107F(1), may exercise functions of a police and crime commissioner.

(2) The Secretary of State may by order make provision—

(a) authorising the mayor to arrange for the chief constable of the police force for the police area which corresponds to the area of the combined authority to exercise fire and rescue functions exercisable by the mayor;

(b) authorising that chief constable to arrange for a person within subsection (4) to exercise the chief constable's fire and rescue functions.

(3) An order under subsection (2) may provide that arrangements made under the order—

(a) may authorise the exercise of any functions mentioned in that subsection;

(b) may authorise the exercise of any functions mentioned in that subsection other than those specified or described in the order;

(c) may authorise the exercise of such of the functions mentioned in that subsection as are specified or described in the order.

(4) The persons mentioned in subsection (2)(b) are—

(a) members of the chief constable's police force;

(b) the civilian staff of that police force, as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011;

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(c) members of staff transferred to the chief constable under a scheme made by virtue of section 107EC(1);

(d) members of staff appointed by the chief constable under section 107EC(2).

(5) Provision in an order under section 107D(1) for a function to be exercisable only by the mayor for the area of a combined authority is subject to provision made by virtue of subsection (2).

(6) This section is subject to—

(a) section 107EB (section 107EA orders: procedure), and

(b) section 37 of the Fire and Rescue Services Act 2004 (prohibition on employment of police in fire-fighting).

(7) In this section "fire and rescue functions", in relation to a chief constable, means—

(a) functions which are exercisable by the chief constable by virtue of provision made under subsection (2)(a), and

(b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107EB Section 107EA orders: procedure

(1) An order under section 107EA(2) may be made in relation to the mayor for the area of a combined authority only if the mayor has requested the Secretary of State to make the order.

(2) A request under subsection (1) must be accompanied by a report which contains—

(a) an assessment of why—

(i) it is in the interests of economy, efficiency and effectiveness for the order to be made, or

(ii) it is in the interests of public safety for the order to be made,

(b) a description of any public consultation which the mayor has carried out on the proposal for the order to be made,

(c) a summary of the responses to any such consultation, and

(d) a summary of the representations (if any) which the mayor has received about that proposal from the constituent members of the combined authority.

(3) Before making the request the mayor must publish, in such manner as the mayor thinks appropriate, the mayor's response to the representations made or views expressed in response to any consultations on the proposal.

(4) Subsections (5) to (7) apply if—

(a) the mayor for the area of a combined authority makes a request under subsection (1) for the Secretary of State to make an order under section 107EA(2), and

(b) at least two thirds of the constituent members of the combined authority have indicated that they disagree with the proposal for the order to be made.

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(5) The mayor must, in providing the report under subsection (2), provide the Secretary of State with—

(a) copies of the representations (if any) made by the constituent members of the combined authority about that proposal, and

(b) the mayor's response to those representations and to the responses to any public consultation which the mayor has carried out on that proposal.

(6) The Secretary of State must—

(a) obtain an independent assessment of that proposal, and

(b) in deciding whether to make the order, have regard to that assessment and to the material provided under subsection (5) (as well as the material provided under subsection (2)).

(7) The Secretary of State must publish the independent assessment—

(a) as soon as is reasonably practicable after making a determination in response to the proposal, and

(b) in such manner as the Secretary of State thinks appropriate.

(8) An order under section 107EA(2) may be made only if it appears to the Secretary of State that—

(a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or

(b) it is in the interests of public safety for the order to be made.

(9) The Secretary of State may not make an order under section 107EA(2) in a case within subsection (8)(a) of this section if the Secretary of State thinks that the order would have an adverse effect on public safety.

(10) The Secretary of State may, in making an order under section 107EA(2) in relation to the mayor for the area of a combined authority, give effect to the mayor's proposal for the order with such modifications as the Secretary of State thinks appropriate.

(11) Before making an order which gives effect to such a proposal with modifications, the Secretary of State must consult the mayor and the combined authority on the modifications.

(12) In this section—

"constituent council", in relation to a combined authority, means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority;

"constituent member", in relation to a combined authority, means a member of the authority appointed by a constituent council (but does not include the mayor for the area of the combined authority).

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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107EC Section 107EA orders: further provision

(1) An order under section 107EA(2) may make provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities)—

(a) from a fire and rescue authority or the combined authority to the chief constable, or

(b) from the chief constable to the combined authority,

(including provision corresponding to any provision made by section 17(4) to (6) of the Localism Act 2011).

(2) A chief constable to whom an order under section 107EA(2) applies may appoint staff for the purpose of the exercise of the chief constable's fire and rescue functions.

(3) A chief constable to whom an order under section 107EA(2) applies may—

(a) pay remuneration, allowances and gratuities to members of the chief constable's fire and rescue staff;

(b) pay pensions to, or in respect of, persons who are or have been such members of staff;

(c) pay amounts for or towards the provision of pensions to, or in respect of, persons who are or have been such members of staff.

(4) In subsection (3) "allowances", in relation to a member of staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

(5) Subject to subsections (6) to (8), a person who is employed pursuant to a transfer by virtue of subsection (1) or an appointment under subsection (2) may not at the same time be employed pursuant to an appointment by a chief constable of the police force for a police area under Schedule 2 to the Police Reform and Social Responsibility Act 2011.

(6) Where an order under section 107EA(2) is in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions.

(7) Subsection (5) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.

(8) In subsection (7)—

"finance officer for fire functions" means a member of a chief constable's fire and rescue staff who—

(a) is not a chief finance officer of the kind mentioned in subsection (6), and

(b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions;

"finance officer for police functions" means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—

(a) is not a chief finance officer of the kind mentioned in subsection (6), and

(b) is employed to carry out duties relating to the proper administration of a police force's financial affairs.

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(9) Where an order under section 107EA(2) is in force, the combined authority to which the order applies must pay—

(a) any damages or costs awarded against the chief constable to whom the order applies in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff;

(b) any costs incurred by the chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings;

(c) any sum required in connection with the settlement of any claim made against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff, if the settlement is approved by the authority.

(10) Where an order under section 107EA(2) is in force, the combined authority to which the order applies may, in such cases and to such extent as appears to the authority to be appropriate, pay—

(a) any damages or costs awarded against a member of the fire and rescue staff of the chief constable to whom the order applies in proceedings for any unlawful conduct of that member of staff;

(b) costs incurred and not recovered by such a member of staff in such proceedings;

(c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(11) In this section—

"fire and rescue functions" has the same meaning as in section 107EA;

"fire and rescue staff", in relation to a chief constable to whom an order under section 107EA(2) applies, means—

(a) staff transferred to the chief constable under a scheme made by virtue of subsection (1);

(b) staff appointed by the chief constable under subsection (2).

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107ED Section 107EA orders: exercise of fire and rescue functions

(1) This section applies if—

(a) an order under section 107EA(2) makes provision in relation to the area of a combined authority, and

(b) by virtue of the order, fire and rescue functions exercisable by the mayor for the area of the combined authority are exercisable by the chief constable of the police force for the police area which corresponds to that area.

(2) The chief constable must secure that good value for money is obtained in exercising—

(a) functions which are exercisable by the chief constable by virtue of the order, and

(b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(3) The chief constable must secure that other persons exercising functions by virtue of the order obtain good value for money in exercising those functions.

(4) The mayor must—

(a) secure the exercise of the duties which are exercisable by the chief constable or another person by virtue of the order,

(b) secure the exercise of the duties relating to fire and rescue services which are imposed on the chief constable by or by virtue of any enactment,

(c) secure that functions which are exercisable by the chief constable or another person by virtue of the order are exercised efficiently and effectively, and

(d) secure that functions relating to fire and rescue services which are conferred or imposed on the chief constable by or by virtue of any enactment are exercised efficiently and effectively.

(5) The mayor must hold the chief constable to account for the exercise of such functions.

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107EE Section 107EA orders: complaints and conduct matters etc

(1) If an order is made under section 107EA(2) that enables arrangements to be made for the exercise of functions by members of a police force or the civilian staff of a police force, the Secretary of State may by order amend Part 2 of the Police Reform Act 2002 (persons serving with the police: complaints and conduct matters etc) in consequence of that provision.

(2) If an order is made under section 107EA(2) that enables arrangements to be made for the exercise of functions by members of staff transferred to a chief constable under a scheme made by virtue of section 107EC(1) or appointed by a chief constable under section 107EC(2), the Secretary of State may by order make provision of the type described in subsection (3) in relation to those members of staff.

(3) The provision referred to in subsection (2) is—

(a) provision corresponding or similar to any provision made by or under Part 2 of the Police Reform Act 2002;

(b) provision applying (with or without modifications) any provision made by or under Part 2 of that Act.

(4) The Secretary of State may by order, in consequence of any provision made under subsection (2), amend Part 2 of the Police Reform Act 2002.

(5) Before making an order under this section the Secretary of State must consult—

(a) the Police Advisory Board for England and Wales,

(b) the **[**F134Director General of the Independent Office for Police Conduct**]**,

(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(d) such persons as appear to the Secretary of State to represent the views of fire and rescue authorities, and

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(e) such other persons as the Secretary of State considers appropriate.

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

F134 Words in s. 107EE(5)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 70**; S.I. 2017/1249, reg. 2 (with reg. 3)

107EF Section 107EA orders: application of fire and rescue provisions

(1) The Secretary of State may by order—

(a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);

(b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.

(2) Those persons are—

(a) a chief constable of a police force for a police area to whom an order under section 107EA(2) applies,

(b) a member of staff transferred to such a chief constable under a scheme made by virtue of section 107EC(1),

(c) a member of staff appointed by such a chief constable under section 107EC(2),

(d) a member of such a chief constable's police force by whom functions are exercisable by virtue of section 107EA(2)(b), and

(e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) by whom functions are exercisable by virtue of section 107EA(2)(b).

(3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.

(4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).

(5) In this section "fire and rescue enactment" means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).

(6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

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107EG Section 107EA orders: application of local policing provisions

(1) The Secretary of State may by order—

(a) apply (with or without modifications) any provision of a local policing enactment in relation to a person within subsection (2);

(b) make, in relation to such a person, provision corresponding or similar to any provision of a local policing enactment.

(2) Those persons are—

(a) a mayor for the area of a combined authority to whom an order under section 107EA(2) applies,

(b) a chief constable to whom such an order applies, and

(c) a panel established by virtue of an order under paragraph 4 of Schedule 5C for such an area.

(3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made by or under a local policing enactment or make provision corresponding or similar to any such provision.

(4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).

(5) In this section "local policing enactment" means an enactment relating to a police and crime commissioner.

(6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.**]**

Textual Amendments

F133 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107F Functions of mayors: policing

(1) The Secretary of State may by order provide for the mayor for the area of a combined authority to exercise functions of a police and crime commissioner in relation to that area.

(2) The reference in subsection (1) to functions of a police and crime commissioner is to any functions conferred on police and crime commissioners by or under—

(a) Part 1 of the Police Reform and Social Responsibility Act 2011, or

(b) any other Act (whenever passed).

(3) In this Part references to "PCC functions", in relation to a mayor for the area of a combined authority, are to the functions of a police and crime commissioner that are exercisable by the mayor by virtue of subsection (1).

(4) An order under subsection (1) may be made only with the consent of—

(a) the appropriate authorities (as defined by section 107B(5)), and

(b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.

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(5) If an order is made under subsection (1) in relation to a combined authority's area—

(a) the Secretary of State must by order provide that there is to be no police and crime commissioner for that area as from a specified date;

(b) the Secretary of State may by order provide that any election of a police and crime commissioner for that area that would otherwise take place (whether before or after the specified date) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011 is not to take place.

(6) An order under subsection (5) may include provision—

(a) for the term of office of a police and crime commissioner to continue until the date specified under subsection (5) (a) (in spite of section 50(7)(b) of the Police Reform and Social Responsibility Act 2011);

(b) for an election to fill a vacancy in the office of a police and crime commissioner, which otherwise would take place under section 51 of that Act, not to take place if the vacancy occurs within a period of six months ending with the specified date.

(7) Schedule 5C contains further provision in connection with orders under this section.

(8) Any PCC function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—

(a) by the mayor acting individually, or

(b) by a person acting under arrangements with the mayor made in accordance with provision made under Schedule 5C.

(9) Where an order under subsection (1) is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (4) above.**]**

Textual Amendments

F131 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 4(1)**, 25(2)

[F135 107C Mayors for combined authority areas: financial matters

(1) The Secretary of State may by order make provision for the costs of a mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions to be met from precepts issued by the authority under section 40 of the Local Government Finance Act 1992.

(2) The function of issuing precepts under Chapter 4 of Part 1 of the Local Government Finance Act 1992 in respect of mayoral functions is to be a function exercisable only by the mayor acting on behalf of the combined authority.

(3) The Secretary of State may by order modify the application of Chapter 4 or 4ZA of Part 1 of the Local Government Finance Act 1992 so far as applying to cases where the precepting authority in question under that Chapter is a mayoral combined authority.

(4) Where the mayoral functions of a mayor include PCC functions—

(a) the provision made by virtue of subsection (3) must include provision to ensure that the council tax requirement calculated under section 42A of the

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Local Government Finance Act 1992 consists of separate components in respect of the mayor's PCC functions and the mayor's general functions, and

(b) the function of calculating the component in respect of the mayor's PCC functions is itself to be treated as a PCC function for the purposes of this Part.

(5) The Secretary of State may by order make provision—

(a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of general functions;

(b) about the preparation of an annual budget in relation to the exercise of general functions.

(For power to make corresponding provision in relation to PCC functions, see paragraph 6 of Schedule 5C.)

(6) Provision under subsection (5)(b) may in particular include provision for—

(a) the mayor to prepare a draft budget;

(b) the draft to be scrutinised by—

(i) the other members of the combined authority, and

(ii) a committee of the authority appointed in accordance with paragraph 1(1) of Schedule 5A;

(c) the making of changes to the draft as a result of such scrutiny;

(d) the approval of the draft by the combined authority (including a power to veto the draft in circumstances specified in the order and the consequences of any such veto);

(e) the basis on which such approval is to be given.

(7) In this section "mayoral functions", in relation to a mayor, means—

(a) the mayor's general functions, and

(b) if the mayor exercises PCC functions, the mayor's PCC functions.**]**

Textual Amendments

F135 S. 107G inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 5(3)**, 25(2)

Requirements in connection with orders about combined authorities

108 Review by authorities: new combined authority

(1) Any two or more of the authorities to whom this section applies may undertake a review of **[**F136the exercise of statutory functions in relation to an area ("the review area") with a view to deciding whether to prepare and publish a scheme under section 109.**]**

(2) This section applies to—

(a) a county council in England;

(b) a district council in England;

(c) an EPB;

(d) an ITA.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(3) Where the review is being undertaken by a county council, the review area must include—

(a) the areas of one or more district councils that are within the area of the county council, or

(b) if there are no such areas, the area of the county council.

(4) Where the review is being undertaken by a district council, the review area must include the area of the district council.

(5) Where the review is being undertaken by an EPB, the review area must include one or more local government areas within the EPB's area.

(6) Where the review is being undertaken by an ITA, the review area must include one or more local government areas within the ITA's integrated transport area.

(7) The review area may also include the area of any county council or district council in England that does not constitute or fall within the area of an authority undertaking the review.

Textual Amendments

F136 Words in s. 108(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 6(3)**, 25(2)

Commencement Information

I59 S. 108 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

109 Preparation and publication of scheme: new combined authority

(1) This section applies where two or more of the authorities that have undertaken a review under section 108 conclude that the establishment of a combined authority for an area would be likely to improve **[**[F137]the exercise of statutory functions in relation to the area.**]**

(2) The authorities may prepare and publish a scheme for the establishment of a combined authority for the area ("the scheme area").

(3) Subject as follows, the scheme area—

(a) must consist of or include the whole or any part of the review area,

(b) may include one or more other local government areas, and

(c) must meet **[**[F138]condition A**]** in section 103.

(4) The scheme area may not include a local government area unless each appropriate authority for that area—

(a) participates in the preparation of the scheme, or

(b) consents to its inclusion in the scheme area.

(5) For this purpose—

(a) a county council is an appropriate authority for a local government area that is or forms part of the area of that county council;

(b) a district council is an appropriate authority for a local government area that is the area of that district council.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Textual Amendments

F137 Words in s. 109(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 6(4)**, 25(2)

F138 Words in s. 109(3)(c) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 12(4)**, 25(2)

Commencement Information

I60 S. 109 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

110 Requirements in connection with establishment of combined authority

[F139(1) The Secretary of State may make an order establishing a combined authority for an area only if—

(a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates,

(b) the constituent councils consent, and

(c) any consultation required by subsection (2) has been carried out.

(1A) If a scheme for the establishment of the combined authority has been prepared and published under section 109 the Secretary of State must have regard to that scheme in making the order.

(2) The Secretary of State must carry out a public consultation unless—

(a) a scheme has been prepared and published under section 109,

(b) the constituent councils carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and

(c) the Secretary of State considers that no further consultation is necessary.

(3) In this section "constituent council" means—

(a) a county council the whole or any part of whose area is within the area for which the combined authority is to be established, or

(b) a district council whose area is within the area for which the combined authority is to be established.**]**

[F140(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing a combined authority for an area and—

(a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or

(b) a local government area that is not within the area is surrounded by local government areas that are within the area.

(3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed combined authority on the exercise of functions equivalent to those of the proposed combined authority's functions in each local government area that is next to any part of the proposed combined authority area.**]**

(4) In making the order, the Secretary of State must have regard to the need—

(a) to reflect the identities and interests of local communities, and

(b) to secure effective and convenient local government.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F139 S. 110(1)-(3) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(7)**, 25(2)

F140 S. 110(3A)(3B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 12(5)**, 25(2)

Commencement Information

I61 S. 110 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

111 Review by authorities: existing combined authority

(1) Any one or more of the authorities to whom this section applies may undertake, in relation to an existing combined authority, a review of one or more combined matters.

(2) This section applies to—

(a) a combined authority;

(b) a county council whose area, or part of whose area, is within an area of a combined authority or could be within a proposed area of a combined authority;

(c) a district council whose area is within an area of a combined authority or could be within a proposed area of a combined authority.

(3) For the purposes of this section a "combined matter" is—

(a) a matter in relation to which an order may be made under **[**F141section 104, 105, 106 or 107**]**;

(b) in relation to the combined authority or any executive body of the combined authority, where that body exists at the time of the review, a matter concerning the combined authority or the executive body that the combined authority has power to determine.

(4) The review must relate to one or more areas of a combined authority or proposed areas of a combined authority.

(5) In this section and section 112 a "proposed area of a combined authority" means an area of a combined authority that may be created by an order under section 106 (changes to boundaries of a combined authority's area).

Textual Amendments

F141 Words in s. 111(3)(a) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 22**

Commencement Information

I62 S. 111 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

112 Preparation and publication of scheme: existing combined authority

(1) This section applies where one or more of the authorities that have undertaken a review under section 111 conclude that the exercise of the power to make an order under any one or more of **[**F142sections 104, 105, 106 and 107**]** would be likely to improve

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[[F143]the exercise of statutory functions in relation to an area of a combined authority or a proposed area of a combined authority.**]**

(2) The authorities may prepare and publish a scheme relating to the exercise of the power or powers in question.

(3) The reference in subsection (1) to an area of a combined authority includes an area that would cease to be an area of a combined authority if an order were made in relation to that area under section 107 (dissolution of a combined authority's area).

Textual Amendments

F142 Words in s. 112(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 23**

F143 Words in s. 112(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 6(5)**, 25(2)

Commencement Information

I63 S. 112 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

113 Requirements in connection with changes to existing combined arrangements

[[F144](1) The Secretary of State may make an order under section 104, 105, 106 or 107 in relation to an existing combined authority only if—

(a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates, and

(b) any consultation required by subsection (2) has been carried out.

(1A) If a scheme has been prepared and published under section 112 the Secretary of State must have regard to that scheme in making the order.

(2) The Secretary of State must carry out a public consultation unless—

(a) a scheme has been prepared and published under section 112,

(b) the authorities that prepared and published the scheme carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and

(c) the Secretary of State considers that no further consultation is necessary.**]**

[[F145](2A) Subsection (2B) applies where the Secretary of State is considering whether to make an order under section 106 and—

(a) part of the area to be created is separated from the rest of it by one or more local government areas that are not within the area, or

(b) a local government area that is not within the area to be created is surrounded by local government areas that are within the area.

(2B) In deciding whether to make the order under section 106, the Secretary of State must have regard to the likely effect of the change to the combined authority's area on the exercise of functions equivalent to those of the combined authority's functions in each local government area that is next to any part of the area to be created by the order.**]**

(3) In making the order, the Secretary of State must have regard to the need—

(a) to reflect the identities and interests of local communities, and

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(b) to secure effective and convenient local government.

[F146(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).**]**

Textual Amendments

F144 S. 113(1)-(2) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 14(8)**, 25(2)

F145 S. 113(2A)(2B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 12(6)**, 25(2)

F146 S. 113(4) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 24**

Commencement Information

I64 S. 113 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

[F147General powers of EPBs and combined authorities

Textual Amendments

F147 Ss. 113A-113C and cross-heading inserted (18.2.2012) by Localism Act 2011 (c. 20), **ss. 13(1)**, 240(2); S.I. 2012/411, art. 2(e)

113A General power of EPB or combined authority

(1) An EPB or combined authority may do—

(a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its "functional purposes"),

(b) anything it considers appropriate for purposes incidental to its functional purposes,

(c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,

(d) anything it considers to be connected with—

(i) any of its functions, or

(ii) anything it may do under paragraph (a), (b) or (c), and

(e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.

(2) Where subsection (1) confers power on an EPB or combined authority to do something, it confers power (subject to section 113B) to do it anywhere in the United Kingdom or elsewhere.

(3) Power conferred on an EPB or combined authority by subsection (1) is in addition to, and is not limited by, its other powers.

[F148(4) This section does not apply in relation to a combined authority in respect of which an order under section 113D has effect.**]**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F148 S. 113A(4) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 25**

Modifications etc. (not altering text)

C11 S. 113A modified (8.5.2017) by The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I. 2017/469), arts. 1(3), **4(2)**

113B Boundaries of power under section 113A

(1) Section 113A(1) does not enable an EPB or combined authority to do—

(a) anything which it is unable to do by virtue of a pre-commencement limitation, or

(b) anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—

(i) to its power under section 113A(1),

(ii) to all of its powers, or

(iii) to all of its powers but with exceptions that do not include its power under section 113A(1).

(2) If exercise of a pre-commencement power of an EPB or combined authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 113A(1) so far as that power is overlapped by the pre-commencement power.

(3) Section 113A(1) does not authorise an EPB or combined authority to borrow money.

(4) Section 113A(1)(a) to (d) do not authorise an EPB or combined authority to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of EPBs, combined authorities and other best value authorities to charge for discretionary services)).

(5) Section 113A(1)(e) does not authorise an EPB or combined authority to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to the person.

(6) Where under section 113A(1)(e) an EPB or combined authority does things for a commercial purpose, it must do them through—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, [F149]...

[[F150](b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or

(c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.**]**

(7) In this section—

"post-commencement limitation" means a prohibition, restriction or other limitation imposed by a statutory provision that—

(a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or

(b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 13(1) of that Act;

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"pre-commencement limitation" means a prohibition, restriction or other limitation imposed by a statutory provision that—

(a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or

(b) is contained in an instrument made under an Act and comes into force before the commencement of section 13(1) of that Act;

"pre-commencement power" means power conferred by a statutory provision that—

(a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or

(b) is contained in an instrument made under an Act and comes into force before the commencement of section 13(1) of that Act;

"statutory provision" means a provision of an Act or of an instrument made under an Act.

Textual Amendments

F149 Word in s. 113B(6)(a) omitted (1.8.2014) by virtue of Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 154(a)** (with Sch. 5)

F150 S. 113B(6)(b)(c) substituted for s. 113B(6)(b) (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 154(b)** (with Sch. 5)

113C Power to make provision supplemental to section 113A

(1) The Secretary of State may by order make provision preventing EPBs or combined authorities from doing under section 113A(1) anything which is specified, or is of a description specified, in the order.

(2) The Secretary of State may by order provide for the exercise by EPBs or combined authorities of power conferred by section 113A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.

(3) The power under subsection (1) or (2) may be exercised in relation to—

(a) all EPBs,

(b) all combined authorities,

(c) particular EPBs,

(d) particular combined authorities,

(e) particular descriptions of EPBs, or

(f) particular descriptions of combined authorities.

(4) Before making an order under subsection (1) or (2) the Secretary of State must consult—

(a) such representatives of EPBs or combined authorities,

(b) such representatives of local government, and

(c) such other persons (if any),

as the Secretary of State considers appropriate.

(5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—

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(a) so as to extend the earlier order, or any provision of the earlier order, to a particular EPB or combined authority or to EPBs or combined authorities of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular EPB or combined authority or to EPBs or combined authorities of a particular description.

(6) Power to make an order under this section includes—

(a) power to make different provision for different cases, circumstances or areas, and

(b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.**]**

[F151 113D General power of competence

(1) The Secretary of State may by order provide for Chapter 1 of Part 1 of the Localism Act 2011 (which confers a general power of competence on local authorities) to have effect in relation to a combined authority specified in the order as it has effect in relation to a local authority.

(2) An order under this section may be made only with the consent of the appropriate authorities (as defined by section 107B(5)).

(3) Where an order under subsection (1) is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (2) above.**]**

Textual Amendments

F151 S. 113D inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 10**, 25(2)

Supplementary

114 Incidental etc provision

(1) The Secretary of State may by order make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, an order under this Part or for giving full effect to such an order.

[F152(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 **[**F153Minister for the Cabinet Office**]**.**]**

F154(2) . . . . . .

(3) The provision that may be included **[**F155in an order under this section by virtue of section 117(5)**]** includes provision applying, with modifications, or disapplying any enactment amended by Schedule 6.

(4) An order under this section may not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees etc).

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Textual Amendments

F152 S. 114(1A) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 26(2)**

F153 Words in s. 114(1A) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(a)** (with art. 12)

F154 S. 114(2) omitted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 26(3)**

F155 Words in s. 114(3) substituted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 26(4)**

Modifications etc. (not altering text)

C12 S. 114(1) functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 3(1), **Sch. 1(p)** (with arts. 3(2), 6, 12)

Commencement Information

I65 S. 114 in force at 12.1.2010 by S.I. 2009/3318, **art. 3**

115 Transfer of property, rights and liabilities

(1) The Secretary of State may by order make provision for the transfer of property, rights and liabilities **[**[F156](including criminal liabilities)**]** for the purposes of, or in consequence of, an order under this Part or for giving full effect to such an order.

(2) Property, rights and liabilities may be transferred by—

(a) the order,

(b) a scheme made by the Secretary of State under the order, or

(c) a scheme required to be made under the order by a person other than the Secretary of State.

(3) A transfer by virtue of this section may have effect—

(a) whether or not the property, rights and liabilities would otherwise be capable of being transferred;

(b) without any instrument or formality being required.

(4) The rights and liabilities which may be transferred by virtue of this section include rights and liabilities in relation to a contract of employment.

(5) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer by virtue of this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).

(6) An order under this section or a scheme made under it may define the property, rights and liabilities to be transferred by specifying or describing them.

(7) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—

(a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred;

(b) for the shared ownership or use of any property or facilities;

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(c) for the management or custody of transferred property;

(d) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.

(8) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—

(a) for the continuing effect of things done by the transferor in relation to anything transferred;

(b) for the continuation of things (including legal proceedings) in the process of being done, by or on behalf of or in relation to the transferor in relation to anything transferred;

(c) for references to the transferor in any agreement (whether written or not), instrument or other document in relation to anything transferred to be treated (so far as necessary for the purposes of or in consequence of the transfer) as references to the transferee.

Textual Amendments

F156 Words in s. 115(1) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 27**

Commencement Information

I66 S. 115 in force at 12.1.2010 by S.I. 2009/3318, **art. 3**

116 Consequential amendments

(1) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of any provision made by this Part.

[F157(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 **[**F158Minister for the Cabinet Office**].]**

(2) The power conferred in subsection (1) includes power to amend, repeal or revoke provision contained in an enactment passed or made before the day on which this Act is passed.

Textual Amendments

F157 S. 116(1A) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 28**

F158 Words in s. 116(1A) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(b)** (with art. 12)

Modifications etc. (not altering text)

C13 S. 116(1) functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 3(1), **Sch. 1(p)** (with arts. 3(2), 6, 12)

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Commencement Information
I67 S. 116 in force at 12.1.2010 by S.I. 2009/3318, **art. 3**

117 Orders

(1) Orders under this Part must be made by statutory instrument.

[F159(1A) An order under this Part may make different provision for different authorities or descriptions of authority or otherwise for different purposes.**]**

[F160(2) An order to which subsection (2A) applies may not be made unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

(2A) This subsection applies to an order under this Part other than—

(a) an order under section 113C(1) that is made only for the purpose mentioned in section 113C(5)(b),

(b) an order under section 113C(2) that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose, or

(c) an order under section 116 that amends or revokes provision contained in an instrument subject to annulment by resolution of either House of Parliament.

(3) A statutory instrument that—

(a) contains an order under this Part, and

(b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

is subject to annulment by resolution of either House of Parliament.**]**

(4) If a draft of an order under this Part 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.

[F161(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.**]**

Textual Amendments
F159 S. 117(1A) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 29(2)**
F160 S. 117(2)-(3) substituted for s. 117(2)(3) (18.2.2012) by Localism Act 2011 (c. 20), **ss. 13(2)**, 240(2); S.I. 2012/411, art. 2(e)
F161 S. 117(5) inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 29(3)**

Commencement Information
I68 S. 117 in force at 12.1.2010 by S.I. 2009/3318, **art. 3**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

118 Guidance

(1) The Secretary of State may give guidance about anything that could be done by an authority to whom this section applies under or by virtue of this Part.

(2) An authority to whom this section applies must have regard to any guidance given under this section in exercising any function conferred or imposed by or by virtue of this Part.

(3) Any guidance under this section must be given in writing and may be varied or revoked by further guidance in writing.

(4) Any such guidance may make different provision for different cases and different provision for different areas.

(5) This section applies to—
- (a) a county council;
- (b) a district council;
- (c) an EPB;
- (d) an ITA;
- (e) a combined authority.

Commencement Information
I69 S. 118 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(b)**

119 Amendments relating to EPBs and combined authorities

Schedule 6 (amendments relating to EPBs and combined authorities) is part of this Part.

Commencement Information
I70 S. 119 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(b)**

120 Interpretation

In this Part—

"combined authority" means an authority established under section 103(1);

[F162"deputy mayor" has the meaning given by section 107C(7);**]**

[F162"general functions" has the meaning given by section 107D(2);**]**

"EPB" has the meaning given by section 88(1);

[F163"fire and rescue authority" means a fire and rescue authority under the Fire and Rescue Services Act 2004;**]**

"ITA" has the meaning given by section 104(1);

"local government area" has the meaning given by section 88(7);

[F164"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);**]**

[F164"mayoral combined authority" has the meaning given by section 107A(8);**]**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

[F164“PCC functions” has the meaning given by section 107F(3);**]**
“unitary district council” has the meaning given by section 90(4).

Textual Amendments

F162 Words in s. 120 inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 30(1)(a)**

F163 Words in s. 120 inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(4)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

F164 Words in s. 120 inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 30(1)(b)**

Commencement Information

I71 S. 120 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(b)**

F165PART 7

MULTI-AREA AGREEMENTS

Textual Amendments

F165 Pt. 7 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 102(1)**, 115(3)(k)

Basic concepts

121 Multi-area agreements

. . . . . .

122 Local authorities

. . . . . .

123 Partner authorities

. . . . . .

Preparation and approval of multi-area agreements

124 Proposal for multi-area agreement

. . . . . .

125 Direction to prepare and submit draft multi-area agreement

. . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

126 Preparation of draft multi-area agreement

. . . . . .

127 Approval of draft multi-area agreement

. . . . . .

128 Submission of existing multi-area agreement

. . . . . .

129 Approval of existing multi-area agreement

. . . . . .

Effect of multi-area agreements

130 Duty to have regard to improvement targets

. . . . . .

Revision of multi-area agreements

131 Responsible authorities

. . . . . .

132 Revision proposals

. . . . . .

133 Preparation of revision proposal

. . . . . .

134 Approval of revision proposal

. . . . . .

Information about multi-area agreements

135 Duty to publish information about multi-area agreement

. . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Supplementary and general

136 Consultation on guidance

. . . . . .

137 Interpretation

. . . . . .

PART 8

CONSTRUCTION CONTRACTS

138 Application of construction contracts legislation

(1) The Housing Grants, Construction and Regeneration Act 1996 (c. 53) is amended as follows.

(2) In section 106 (provisions not applicable to contract with residential occupiers), in subsection (1), omit paragraph (b) and the preceding "or".

(3) After that section insert—

"**106A Power to disapply provisions of this Part**

(1) The Secretary of State may by order provide that any or all of the provisions of this Part, so far as extending to England and Wales, shall not apply to any description of construction contract relating to the carrying out of construction operations (not being operations in Wales) which is specified in the order.

(2) The Welsh Ministers may by order provide that any or all of the provisions of this Part, so far as extending to England and Wales, shall not apply to any description of construction contract relating to the carrying out of construction operations in Wales which is specified in the order.

(3) The Scottish Ministers may by order provide that any or all of the provisions of this Part, so far as extending to Scotland, shall not apply to any description of construction contract which is specified in the order.

(4) An order under this section shall not be made unless a draft of it has been laid before and approved by resolution of—

(a) in the case of an order under subsection (1), each House of Parliament;

(b) in the case of an order under subsection (2), the National Assembly for Wales;

(c) in the case of an order under subsection (3), the Scottish Parliament."

(4) In section 146 (orders etc)—

(a) in subsection (2), for "Secretary of State" substitute " the authority making them ";

(b) in subsection (3)(a), after "106(4)" insert " , 106A ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information

I72 S. 138 in force at 18.6.2011 for specified purposes for E.W. by S.I. 2011/1514, **arts. 2**, 3
I73 S. 138 in force at 24.6.2011 for S. by S.S.I. 2011/269, **art. 2**
I74 S. 138 in force at 24.6.2011 for specified purposes for E.W. by S.I. 2011/1569, **art. 2**
I75 S. 138 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**
I76 S. 138 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(a)

139 Requirement for construction contracts to be in writing

(1) In the Housing Grants, Construction and Regeneration Act 1996, section 107 (provisions applicable only to contracts in writing) is repealed.

(2) In section 108 of that Act (right to refer disputes to adjudication)—

(a) in subsection (2), after "The contract shall" insert " include provision in writing so as to ";

(b) in subsections (3) and (4), after "provide" insert " in writing ".

Commencement Information

I77 S. 139 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)
I78 S. 139 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**
I79 S. 139 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

140 Adjudicator's power to make corrections

In the Housing Grants, Construction and Regeneration Act 1996 (c. 53), in section 108 (right to refer disputes to adjudication), after subsection (3) insert—

"(3A) The contract shall include provision in writing permitting the adjudicator to correct his decision so as to remove a clerical or typographical error arising by accident or omission."

Commencement Information

I80 S. 140 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**
I81 S. 140 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)
I82 S. 140 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

141 Adjudication costs

In the Housing Grants, Construction and Regeneration Act 1996, after section 108 insert—

"**108A Adjudication costs: effectiveness of provision**

(1) This section applies in relation to any contractual provision made between the parties to a construction contract which concerns the allocation as between those parties of costs relating to the adjudication of a dispute arising under the construction contract.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(2) The contractual provision referred to in subsection (1) is ineffective unless—

(a) it is made in writing, is contained in the construction contract and confers power on the adjudicator to allocate his fees and expenses as between the parties, or

(b) it is made in writing after the giving of notice of intention to refer the dispute to adjudication."

Commencement Information

I83 S. 141 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**

I84 S. 141 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)

I85 S. 141 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

142 Determination of payments due

(1) In the Housing Grants, Construction and Regeneration Act 1996, section 110 (dates for payment) is amended as follows.

(2) After subsection (1) insert—

"(1A) The requirement in subsection (1)(a) to provide an adequate mechanism for determining what payments become due under the contract, or when, is not satisfied where a construction contract makes payment conditional on—

(a) the performance of obligations under another contract, or

(b) a decision by any person as to whether obligations under another contract have been performed.

(1B) In subsection (1A)(a) and (b) the references to obligations do not include obligations to make payments (but see section 113).

(1C) Subsection (1A) does not apply where—

(a) the construction contract is an agreement between the parties for the carrying out of construction operations by another person, whether under sub-contract or otherwise, and

(b) the obligations referred to in that subsection are obligations on that other person to carry out those operations."

(3) After subsection (1C) (as inserted by subsection (2) above) insert—

"(1D) The requirement in subsection (1)(a) to provide an adequate mechanism for determining when payments become due under the contract is not satisfied where a construction contract provides for the date on which a payment becomes due to be determined by reference to the giving to the person to whom the payment is due of a notice which relates to what payments are due under the contract."

Commencement Information

I86 S. 142 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**

I87 S. 142 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)

I88 S. 142 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

143 Notices relating to payment

(1) In the Housing Grants, Construction and Regeneration Act 1996 (c. 53), in section 109 (entitlement to stage payments), in subsection (4), for "under the contract" substitute " provided for by the contract ".

(2) In section 110 of that Act (dates for payment), omit the following—

(a) subsection (2), and

(b) in subsection (3), "or (2)".

(3) After section 110 of that Act insert—

"**110A Payment notices: contractual requirements**

(1) A construction contract shall, in relation to every payment provided for by the contract—

(a) require the payer or a specified person to give a notice complying with subsection (2) to the payee not later than five days after the payment due date, or

(b) require the payee to give a notice complying with subsection (3) to the payer or a specified person not later than five days after the payment due date.

(2) A notice complies with this subsection if it specifies—

(a) in a case where the notice is given by the payer—

(i) the sum that the payer considers to be or to have been due at the payment due date in respect of the payment, and

(ii) the basis on which that sum is calculated;

(b) in a case where the notice is given by a specified person—

(i) the sum that the payer or the specified person considers to be or to have been due at the payment due date in respect of the payment, and

(ii) the basis on which that sum is calculated.

(3) A notice complies with this subsection if it specifies—

(a) the sum that the payee considers to be or to have been due at the payment due date in respect of the payment, and

(b) the basis on which that sum is calculated.

(4) For the purposes of this section, it is immaterial that the sum referred to in subsection (2)(a) or (b) or (3)(a) may be zero.

(5) If or to the extent that a contract does not comply with subsection (1), the relevant provisions of the Scheme for Construction Contracts apply.

(6) In this and the following sections, in relation to any payment provided for by a construction contract—

"payee" means the person to whom the payment is due;

"payer" means the person from whom the payment is due;

"payment due date" means the date provided for by the contract as the date on which the payment is due;

"specified person" means a person specified in or determined in accordance with the provisions of the contract.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

110B Payment notices: payee's notice in default of payer's notice

(1) This section applies in a case where, in relation to any payment provided for by a construction contract—

(a) the contract requires the payer or a specified person to give the payee a notice complying with section 110A(2) not later than five days after the payment due date, but

(b) notice is not given as so required.

(2) Subject to subsection (4), the payee may give to the payer a notice complying with section 110A(3) at any time after the date on which the notice referred to in subsection (1)(a) was required by the contract to be given.

(3) Where pursuant to subsection (2) the payee gives a notice complying with section 110A(3), the final date for payment of the sum specified in the notice shall for all purposes be regarded as postponed by the same number of days as the number of days after the date referred to in subsection (2) that the notice was given.

(4) If—

(a) the contract permits or requires the payee, before the date on which the notice referred to in subsection (1)(a) is required by the contract to be given, to notify the payer or a specified person of—

(i) the sum that the payee considers will become due on the payment due date in respect of the payment, and

(ii) the basis on which that sum is calculated, and

(b) the payee gives such notification in accordance with the contract,

that notification is to be regarded as a notice complying with section 110A(3) given pursuant to subsection (2) (and the payee may not give another such notice pursuant to that subsection).”

Commencement Information

I89 S. 143 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**

I90 S. 143 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)

I91 S. 143 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

144 Requirement to pay notified sum

(1) In the Housing Grants, Construction and Regeneration Act 1996 (c. 53), for section 111 (notice of intention to withhold payment) substitute—

“**111 Requirement to pay notified sum**

(1) Subject as follows, where a payment is provided for by a construction contract, the payer must pay the notified sum (to the extent not already paid) on or before the final date for payment.

(2) For the purposes of this section, the “notified sum” in relation to any payment provided for by a construction contract means—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) in a case where a notice complying with section 110A(2) has been given pursuant to and in accordance with a requirement of the contract, the amount specified in that notice;

(b) in a case where a notice complying with section 110A(3) has been given pursuant to and in accordance with a requirement of the contract, the amount specified in that notice;

(c) in a case where a notice complying with section 110A(3) has been given pursuant to and in accordance with section 110B(2), the amount specified in that notice.

(3) The payer or a specified person may in accordance with this section give to the payee a notice of the payer's intention to pay less than the notified sum.

(4) A notice under subsection (3) must specify—

(a) the sum that the payer considers to be due on the date the notice is served, and

(b) the basis on which that sum is calculated.

It is immaterial for the purposes of this subsection that the sum referred to in paragraph (a) or (b) may be zero.

(5) A notice under subsection (3)—

(a) must be given not later than the prescribed period before the final date for payment, and

(b) in a case referred to in subsection (2)(b) or (c), may not be given before the notice by reference to which the notified sum is determined.

(6) Where a notice is given under subsection (3), subsection (1) applies only in respect of the sum specified pursuant to subsection (4)(a).

(7) In subsection (5), "prescribed period" means—

(a) such period as the parties may agree, or

(b) in the absence of such agreement, the period provided by the Scheme for Construction Contracts.

(8) Subsection (9) applies where in respect of a payment—

(a) a notice complying with section 110A(2) has been given pursuant to and in accordance with a requirement of the contract (and no notice under subsection (3) is given), or

(b) a notice under subsection (3) is given in accordance with this section,

but on the matter being referred to adjudication the adjudicator decides that more than the sum specified in the notice should be paid.

(9) In a case where this subsection applies, the decision of the adjudicator referred to in subsection (8) shall be construed as requiring payment of the additional amount not later than—

(a) seven days from the date of the decision, or

(b) the date which apart from the notice would have been the final date for payment,

whichever is the later.

(10) Subsection (1) does not apply in relation to a payment provided for by a construction contract where—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) the contract provides that, if the payee becomes insolvent the payer need not pay any sum due in respect of the payment, and

(b) the payee has become insolvent after the prescribed period referred to in subsection (5)(a).

(11) Subsections (2) to (5) of section 113 apply for the purposes of subsection (10) of this section as they apply for the purposes of that section."

(2) In section 112 of that Act (right to suspend performance for non-payment)—

(a) in subsection (1), for the words from "Where" to "given" substitute " Where the requirement in section 111(1) applies in relation to any sum but is not complied with, ";

(b) in subsection (3), for "the amount due" substitute " the sum referred to in subsection (1) ".

Commencement Information

I92 S. 144 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**

I93 S. 144 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)

I94 S. 144 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

145 Suspension of performance for non-payment

(1) In the Housing Grants, Construction and Regeneration Act 1996 (c. 53), section 112 (right to suspend performance for non-payment) is amended as follows.

(2) In subsection (1), after "performance of" insert " any or all of ".

(3) After subsection (3) insert—

"(3A) Where the right conferred by this section is exercised, the party in default shall be liable to pay to the party exercising the right a reasonable amount in respect of costs and expenses reasonably incurred by that party as a result of the exercise of the right."

(4) In subsection (4), after "pursuance of" insert " , or in consequence of the exercise of, ".

Commencement Information

I95 S. 145 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1582, **art. 2**

I96 S. 145 in force at 1.10.2011 for specified purposes for E.W. by S.I. 2011/1597, **arts. 2**, 3(b)

I97 S. 145 in force at 1.11.2011 for S. by S.S.I. 2011/291, **art. 2**

PART 9

FINAL

146 Repeals

(1) Schedule 7 contains repeals.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(2) The repeal by this Act of sections 17, 19 and 26 of the Local Government Act 1992 (c. 19) does not affect the continuing effect of orders and regulations made under those sections.

(3) For the purposes of this Act—

(a) the repeals in Part 1 of Schedule 7 are part of Chapter 6 of Part 1 (politically restricted posts);

(b) the repeal in Part 2 of Schedule 7 is part of Chapter 3 of Part 2 (audit of entities connected with local authorities);

(c) the repeals in Part 3 of Schedule 7 are part of Part 3 (local government boundary and electoral change);

(d) the repeals in Part 4 of Schedule 7 are part of Part 5 (regional strategy);

(e) the repeals in Part 5 of Schedule 7 are part of Part 8 (construction contracts).

147 Extent

(1) Parts 1 to 7 extend to England and Wales only, except that—

(a) an amendment or repeal effected by any of those Parts has the same extent as the provision amended or repealed, and

(b) sections 67(2) to (6), [F166]... 114, 116 and 117 (powers to make consequential provision etc) extend also to Scotland and Northern Ireland.

Paragraph (a) does not apply to Chapter 6 of Part 1 (which accordingly extends to England and Wales only).

(2) Part 8 extends to England and Wales and Scotland.

(3) This Part extends to England and Wales, Scotland and Northern Ireland.

Textual Amendments

F166 Words in s. 147(1)(b) repealed (15.11.2011) by Localism Act 2011 (c. 20), s. 240(5)(q), **Sch. 25 Pt. 15**

148 Commencement: general

(1) In Part 1 (democracy and involvement)—

[F167](a) . . . . . .

(b) Chapter 3 comes into force on a day appointed by the Secretary of State;

(c) Chapter 4 comes into force on the day on which this Act is passed;

(d) Chapters 5 and 6 come into force at the end of the period of two months beginning with the day on which this Act is passed.

(2) In Part 2 (local authorities: governance and audit)—

(a) in Chapter 1—

(i) section 31 comes into force on a day appointed by the Secretary of State;

(ii) sections 32 and 33 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(b) Chapters 2 and 3 come into force—

(i) in relation to England, on a day appointed by the Secretary of State;

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(ii) in relation to Wales, on a day appointed by the Welsh Ministers.

(3) In Part 3 (local government boundary and electoral change)—

(a) sections 62, 64 and 68 and Schedule 3 come into force on the day on which this Act is passed;

(b) the remaining provisions come into force on a day appointed by the Secretary of State.

(4) Part 4 (local authority economic assessment) comes into force on a day appointed by the Secretary of State.

(5) Part 5 (regional strategy) comes into force on a day appointed by the Secretary of State.

(6) Part 6 (economic prosperity boards and combined authorities) comes into force on a day appointed by the Secretary of State.

(7) Part 7 (multi-area agreements) comes into force at the end of the period of two months beginning with the day on which this Act is passed.

(8) Part 8 (construction contracts) comes into force as specified in section 149.

(9) This Part comes into force on the day on which this Act is passed.

(10) Any power to appoint a day under this section—

(a) includes power to appoint different days for different purposes;

(b) includes power to make transitional provision or savings;

(c) is to be exercised by order made by statutory instrument.

Textual Amendments

F167 S. 148(1)(a) repealed (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(m), **Sch. 25 Pt. 6**

149 Commencement: construction contracts

(1) Part 8 comes into force, so far as extending to England and Wales—

(a) on a day appointed by the Welsh Ministers, in relation to construction contracts which relate to the carrying out of construction operations in Wales;

(b) on a day appointed by the Secretary of State, in relation to other construction contracts.

(2) Part 8 comes into force, so far as extending to Scotland, on a day appointed by the Scottish Ministers.

(3) The amendments made by Part 8, so far as extending to England and Wales, do not apply—

(a) in relation to construction contracts which relate to the carrying out of construction operations in Wales and are entered into before the day appointed under subsection (1)(a), or

(b) in relation to other construction contracts which are entered into before the day appointed under subsection (1)(b).

(4) The amendments made by Part 8, so far as extending to Scotland, do not apply in relation to construction contracts which are entered into before the day appointed under subsection (2).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(5) In this section "construction contracts" and "construction operations" have the same meanings as in Part 2 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).

(6) Any power to appoint a day under this section—

(a) includes power to appoint different days for different purposes;

(b) includes power to make transitional provision or savings;

(c) is to be exercised by order made by statutory instrument.

150 Short title

This Act may be cited as the Local Democracy, Economic Development and Construction Act 2009.

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SCHEDULES

SCHEDULE 1

Section 55

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

Members

1 (1) The Local Government Boundary Commission for England ("the Commission") is to consist of—

(a) the chair of the Commission, and

(b) at least four and no more than eleven other members ("ordinary members").

(2) The ordinary members are to be appointed by Her Majesty on the recommendation of the Secretary of State.

(3) The following may not be appointed as an ordinary member—

(a) a member of a registered party;

(b) a person who is, or has at any time with the last ten years been, an officer or employee of a registered party or of any accounting unit of such a party;

(c) a person who holds, or has at any time within the last ten years held, a relevant elective office (within the meaning of Schedule 7 to the Political Parties, Elections and Referendums Act 2000 (c. 41) ("the 2000 Act"));

(d) a person who has at any time within the last ten years been named—

(i) as a donor in the register of donations reported under Chapter 3 or 5 of Part 4 of the 2000 Act, or

(ii) as a participant in the register of recordable transactions reported under Part 4A of that Act.

(4) A person may not be appointed as an ordinary member for a period of more than five years at any one time.

(5) Subject to the provisions of this paragraph, an ordinary member holds office—

(a) for the term for which the ordinary member is appointed, and

(b) otherwise in accordance with the terms of their appointment.

(6) An ordinary member ceases to hold office if—

(a) the ordinary member consents to being nominated as a candidate at a relevant election (within the meaning of Part 2 of the 2000 Act) or to being included in a registered party's list of candidates at such an election,

(b) the ordinary member takes up any office or employment in or with—

(i) a registered party or any accounting unit of such a party,

(ii) a recognised third party (within the meaning of Part 6 of the 2000 Act), or

(iii) a permitted participant (within the meaning of Part 7 of that Act),

(c) the ordinary member is named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4 of the 2000 Act or in any statement of

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donations included in a return delivered to the Electoral Commission under section 98 or 122 of that Act,

(d) the ordinary member is named as a participant in the register of recordable transactions reported under Part 4A of that Act, or

(e) the ordinary member becomes a member of a registered party.

(7) An ordinary member may, on the member's request, be relieved of office by Her Majesty.

(8) An ordinary member may, on the recommendation of the Secretary of State, be removed from office by Her Majesty on any of the following grounds—

(a) failure to discharge the functions of membership for a continuous period of at least three months;

(b) failure to comply with the terms of appointment;

(c) conviction of a criminal offence;

(d) being an undischarged bankrupt or having their estate sequestrated in Scotland and not being discharged;

(e) making an arrangement or composition contract with, or granting a trust deed for, their creditors;

(f) otherwise being unfit to hold office or unable to carry out the functions of membership.

(9) No-one may serve as an ordinary member for more than ten years (continuously or otherwise).

(10) Service as an ordinary member is not service in the civil service of the State.

Commencement Information

I98 Sch. 1 para. 1 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Chair

2 (1) The chair of the Commission is to be appointed by Her Majesty on an Address from the House of Commons.

(2) A motion for such an Address may be made only if—

(a) the Speaker of the House of Commons agrees that the motion may be made, and

(b) the person whose appointment is proposed in the motion has been selected in accordance with a procedure put in place and overseen by the Speaker's Committee (see section 2 of the 2000 Act).

(3) Such an Address must specify the period, not exceeding five years, for which the proposed chair is to be appointed.

(4) A person may not be appointed as chair under sub-paragraph (1) if by virtue of paragraph 1(3)(a) to (d) that person may not be appointed as an ordinary member.

(5) Subject to the provisions of this paragraph, the chair holds office—

(a) for the period of their appointment (which is to be that specified under sub-paragraph (3)), and

(b) otherwise in accordance with the terms of their appointment.

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(6) The chair ceases to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (e) of paragraph 1(6).

(7) The chair may, on the chair's request, be relieved of office as chair by Her Majesty.

(8) The chair may be removed from office by Her Majesty on an Address from the House of Commons.

(9) No motion may be made for such an Address unless the Speaker's Committee have presented a report to the House of Commons stating that the Speaker's Committee are satisfied that one or more of the following grounds is made out in relation to the chair—

(a) failure to discharge the functions of their office for a continuous period of at least three months;
(b) failure to comply with the terms of appointment as chair;
(c) conviction of a criminal offence;
(d) being an undischarged bankrupt or having their estate sequestrated in Scotland and not being discharged;
(e) making an arrangement or composition contract with, or granting a trust deed for, their creditors;
(f) otherwise being unfit to hold office as chair or unable to carry out the functions of that office.

(10) No-one may serve as chair for more than ten years (continuously or otherwise).

(11) In the case of a re-appointment, the reference in sub-paragraph (2)(b) to being selected in accordance with a procedure put in place and overseen by the Speaker's Committee is to be read as including a reference to being recommended for re-appointment by the Speaker's Committee.

(12) Service as chair is not service in the civil service of the State.

Commencement Information
I99 Sch. 1 para. 2 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Deputy chair

3 (1) The Secretary of State may designate one of the ordinary members of the Commission to be the deputy chair.

(2) The deputy chair is to act as chair—

(a) in the event of a vacancy in the office of chair,
(b) if the chair is unable to act, and
(c) in such other circumstances as the Commission may determine.

(3) The deputy chair may at any time resign as deputy chair by notice to the Secretary of State.

Commencement Information
I100 Sch. 1 para. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Remuneration

4 The Commission must pay to or in respect of the members (including the chair and deputy chair) such sums by way of or in respect of remuneration, allowances, expenses, pensions or gratuities as the Speaker of the House of Commons, after consulting the Speaker's Committee, may determine.

Commencement Information

I101 Sch. 1 para. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Committees

5 (1) The Commission may establish any committees which it considers appropriate.

(2) A committee of the Commission may establish one or more sub-committees.

[F168(3) A committee established under this paragraph to review the economy, efficiency or effectiveness with which the Commission has used its resources, or any sub-committee of such a committee, may include up to two people who are not also members of the Commission ("independent members").

(4) The Commission may not appoint as an independent member anyone who would be ineligible for appointment as a member of the Commission because of paragraph 1(3).

(5) An independent member must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.

(6) Except as provided by sub-paragraph (3), only a member of the Commission may be a member of one of its committees or sub-committees.**]**

Textual Amendments

F168 Sch. 1 para. 5(3)-(6) substituted for Sch. 1 para. 5(3) (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(2)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I102 Sch. 1 para. 5 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Proceedings

6 (1) Subject to this Schedule, the Commission may regulate its own proceedings and the proceedings of any of its committees or sub-committees (including quorum).

(2) The validity of proceedings of the Commission, or of any of its committees or sub-committees, is not affected by—

(a) a vacancy, or

(b) a defective appointment.

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Commencement Information
I103 Sch. 1 para. 6 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Chief executive and other employees

7 (1) The Commission—
(a) must appoint a chief executive, and
(b) may appoint other employees.

(2) A person may not be appointed—
(a) as chief executive of the Commission if by virtue of paragraph 1(3)(a) to (d) that person may not be appointed as an ordinary member of the Commission;
(b) as any other member of staff of the Commission if by virtue of paragraph 1(3)(b) to (d) that person may not be appointed as an ordinary member of the Commission.

(3) Service as chief executive or other employee of the Commission is not service in the civil service of the State.

(4) Subject as follows, employees of the Commission must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.

(5) The appointment of any member of staff of the Commission terminates—
(a) if that person is the chief executive of the Commission, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (e) of paragraph 1(6), and
(b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 1(6).

(6) For the purposes of determinations under sub-paragraph (4), the Commission must have regard to the desirability of keeping the remuneration and other terms or conditions of employment of its employees broadly in line with those applying to persons in the civil service of the State.

(7) Service as an employee of the Commission is included in the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply; and accordingly, in Schedule 1 to that Act, "Local Government Boundary Commission for England" is to be inserted at the appropriate place in the list of "Other bodies".

(8) The Commission must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (7) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).

Commencement Information
I104 Sch. 1 para. 7 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Superannuation: supplementary

8 (1) Section 1(2) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by the Minister for the Civil Service to another office of the Crown etc) has effect as if the reference to an officer of the Crown other than a Minister included the chief executive of the Commission.

(2) An administration function conferred on the chief executive under section 1(2) of that Act by virtue of sub-paragraph (1) may be exercised by (or by employees of) such person as may be authorised in that behalf by the chief executive.

(3) For the purposes of this paragraph an "administration function" is a function of administering schemes—

(a) made under section 1 of the Superannuation Act 1972, and

(b) for the time being in force.

(4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—

(a) wholly or to such extent as may be specified in the authorisation;

(b) generally or in such cases as may be so specified;

(c) unconditionally or subject to such conditions as may be so specified.

(5) An authorisation given by virtue of sub-paragraph (2)—

(a) is to be treated for all purposes as if it were given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders);

(b) may be revoked at any time by the Commission (as well as by the chief executive).

Commencement Information
I105 Sch. 1 para. 8 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Delegations

9 (1) The Commission may delegate any of its functions to any of its members, employees, committees or sub-committees.

(2) Sub-paragraph (1) does not apply to any function of making an order by statutory instrument.

(3) The chief executive of the Commission may delegate any of the chief executive's functions to any other employee of the Commission.

(4) A committee of the Commission may delegate any of its functions to any of its sub-committees.

(5) A committee or sub-committee of the Commission may delegate any of its functions to any employee of the Commission.

Commencement Information
I106 Sch. 1 para. 9 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Financial year

10 (1) The financial year of the Commission is the period of twelve months ending on 31 March.

(2) But the first financial year of the Commission is the period—

(a) starting on the day on which section 55 comes into force, and

(b) ending on the following 31 March.

Commencement Information

I107 Sch. 1 para. 10 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Funding

11 (1) The expenditure of the Commission is to be met, in accordance with this paragraph, out of money provided by Parliament.

(2) For each financial year of the Commission (other than the first) the Commission must prepare, and submit to the Speaker's Committee, an estimate of its income and expenditure.

(3) The Speaker's Committee must—

(a) examine each such estimate,

(b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of its functions, and

(c) if they are not so satisfied, must make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.

(4) Before deciding whether they are so satisfied or making any such modification the Speaker's Committee must—

(a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 13 and to any recommendations contained in that report, and

(b) consult the Treasury and have regard to any advice which the Treasury may give.

(5) The Speaker's Committee must, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.

(6) If the Speaker's Committee, in the discharge of their functions under this paragraph—

(a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,

(b) do not follow any advice given to them by the Treasury, or

(c) make any modification to the estimate,

they must include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 of the 2000 Act a statement of their reasons for so doing.

Commencement Information

I108 Sch. 1 para. 11 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Five-year plan

12 (1) An estimate under paragraph 11 **[**[F169]in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election**]** is to be accompanied by a plan prepared by the Commission setting out its—

(a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and

(b) estimated requirements for resources during that five-year period.

[[F170](1A) The Speaker's Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submits such an estimate as is mentioned in paragraph 11 in respect of a financial year other than one mentioned in that sub-paragraph.**]**

(2) The Speaker's Committee must—

(a) examine each such plan,

(b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of its functions, and

(c) if they are not so satisfied, make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.

(3) Before deciding whether they are so satisfied or making any such modification the Speaker's Committee must—

(a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 13 and to any recommendations contained in that report, and

(b) consult the Treasury and have regard to any advice which the Treasury may give.

(4) The Speaker's Committee must, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.

(5) If the Speaker's Committee, in the discharge of their functions under this paragraph—

(a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,

(b) do not follow any advice given to them by the Treasury, or

(c) make any modification to the plan,

they must include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 of the 2000 Act a statement of their reasons for so doing.

Textual Amendments

F169 Words in Sch. 1 para. 12(1) inserted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(4)**, 115(7); S.I. 2015/1732, art. 3(c)

F170 Sch. 1 para. 12(1A) inserted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(5)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I109 Sch. 1 para. 12 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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[F171Examination] by Comptroller and Auditor General

Textual Amendments

F171 Word in Sch. 1 para. 13 cross-heading substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(7)**, 115(7); S.I. 2015/1732, art. 3(c)

13 (1) **[**F172For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 11 and 12 in respect of any year when both an estimate under paragraph 11 and a five-year plan under paragraph 12 are submitted to them,**]** the Comptroller and Auditor General must **[**F173before the Committee consider the estimate and plan**]** —

(a) carry out an examination into the economy, efficiency or effectiveness (or any combination thereof) with which the Commission has used its resources in discharging its functions (or, if the Comptroller and Auditor General so determines, any particular function),

(b) report to the Speaker's Committee the results of the examination, and

(c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.

(2) Section 8 of the National Audit Act 1983 (c. 44) (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

Textual Amendments

F172 Words in Sch. 1 para. 13(1) substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(6)(a)**, 115(7); S.I. 2015/1732, art. 3(c)

F173 Words in Sch. 1 para. 13(1) substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(6)(b)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I110 Sch. 1 para. 13 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Accounts

14 (1) The Commission must keep accounting records.

(2) The Commission must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.

(3) Those directions may include directions as to—

(a) the information to be contained in the accounts,

(b) the manner in which the information is to be presented,

(c) the methods and principles according to which the accounts are to be prepared, and

(d) the additional information (if any) that is to accompany the accounts.

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Commencement Information
I111 Sch. 1 para. 14 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Audit

15 (1) The Commission must send copies of its accounts to—

(a) the Comptroller and Auditor General, and

(b) the Speaker's Committee,

as soon after the end of the financial year as may be practicable.

(2) The Comptroller and Auditor General must—

(a) examine and certify accounts received under sub-paragraph (1),

(b) report on the accounts, and

(c) lay the certified accounts and report before Parliament.

Commencement Information
I112 Sch. 1 para. 15 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Accounting officer

16 (1) The Speaker's Committee must designate an employee of the Commission as the Commission's accounting officer.

(2) The accounting officer is to have, in relation to the Commission's accounts and finance, the responsibilities that are from time to time specified by the Speaker's Committee.

(3) In this paragraph references to responsibilities include in particular—

(a) responsibilities in relation to the signing of accounts;

(b) responsibilities for the propriety and regularity of the Commission's finances;

(c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.

(4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee or the House of Commons or its Committee of Public Accounts.

(5) In this paragraph any reference to the Public Accounts Committee of the House of Commons is, if—

(a) the name of that Committee is changed, or

(b) its functions at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,

to be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.

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Commencement Information
I113 Sch. 1 para. 16 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Annual report

17 (1) The Commission must, as soon after the end of each financial year as may be practicable, prepare and lay before Parliament a report about the performance of the Commission's functions during that financial year.

(2) The Commission must, on so laying such a report, publish it in such manner as it may determine.

Commencement Information
I114 Sch. 1 para. 17 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Instruments and authentication

18 (1) The fixing of the seal of the Commission is to be authenticated by the signature of the chair or of another person authorised by the Commission to act for that purpose.

(2) A document purporting to be duly executed under the seal of the Commission, or to be signed on its behalf, is to be received in evidence and, unless the contrary is proved, is to be treated as having been so executed or signed.

Commencement Information
I115 Sch. 1 para. 18 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Records

19 In the Public Records Act 1958 (c. 51), in Schedule 1 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert—

"Local Government Boundary Commission for England."

Commencement Information
I116 Sch. 1 para. 19 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Investigation

20 In the Parliamentary Commissioner Act 1967 (c. 13), in Schedule 2 (departments etc subject to investigation), at the appropriate place insert—

"Local Government Boundary Commission for England"

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Commencement Information
I117 Sch. 1 para. 20 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Freedom of information

21 In the Freedom of Information Act 2000 (c. 36), in Schedule 1, in Part 6 (other public bodies and offices: general), at the appropriate place insert—

""The Local Government Boundary Commission for England.""

Commencement Information
I118 Sch. 1 para. 21 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

House of Commons disqualification

22 In the House of Commons Disqualification Act 1975 (c. 24), in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate place insert—

"The Local Government Boundary Commission for England."

Commencement Information
I119 Sch. 1 para. 22 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Transitional

23 (1) The Electoral Commissioner who immediately before the day on which section 55 comes into force is the chair of the Electoral Commission's Boundary Committee is to be treated—

(a) as having been appointed as the chair of the Commission under paragraph 2(1), and

(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as the chair of the Electoral Commission's Boundary Committee.

(2) A Deputy Electoral Commissioner who immediately before the day on which section 55 comes into force is a member of the Electoral Commission's Boundary Committee is to be treated—

(a) as having been appointed as an ordinary member of the Commission under paragraph 1(2), and

(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as a member of the Electoral Commission's Boundary Committee.

Commencement Information
I120 Sch. 1 para. 23 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Interpretation

24 In this Schedule—

"the 2000 Act" means the Political Parties, Elections and Referendums Act 2000 (c. 41);

"accounting unit" and "registered party" have the same meanings as in the 2000 Act (see section 160 of that Act);

"the Commission" means the Local Government Boundary Commission for England;

"ordinary member" is to be construed in accordance with paragraph 1(1)(b).

Commencement Information
I121 Sch. 1 para. 24 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

SCHEDULE 2

Section 56

ELECTORAL CHANGE IN ENGLAND: CONSIDERATIONS ON REVIEW

Modifications etc. (not altering text)
C14 Sch. 2 applied by 2007 c. 28, s. 8(6D) (as inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 65(2)**, 148(3)(b); S.I. 2009/3318, art. 4(l))

County councils

1 (1) This paragraph applies where the Local Government Boundary Commission for England makes recommendations under section 56 in relation to the electoral arrangements for the area of a county council.

(2) The recommendations must secure the following results—

(a) an electoral area of the county council must not fall partly inside and partly outside any district,

(b) every ward of a parish having a parish council (whether separate or common) must lie wholly within a single electoral area of the county council, and

(c) every parish which is not divided into parish wards must lie wholly within a single electoral area of the county council.

(3) Subject to sub-paragraph (2), in making the recommendations the Local Government Boundary Commission for England must have regard to—

(a) the need to secure that the ratio of the number of local government electors to the number of members of the county council to be elected is, as nearly as possible, the same in every electoral area of the council,

(b) the need to reflect the identities and interests of local communities and in particular—

(i) the desirability of fixing boundaries which are and will remain easily identifiable, and

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(ii) the desirability of not breaking local ties when fixing boundaries,

(c) the need to secure effective and convenient local government, and

(d) the boundaries of the electoral areas of any district council whose area is within the area of the county council.

(4) For the purpose of sub-paragraph (3)(a) the Local Government Boundary Commission for England must have regard to any change in the number or distribution of local government electors in the area of the county council which is likely to take place within the period of five years immediately following the making of the recommendations.

Commencement Information

I122 Sch. 2 para. 1 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ee)**

District councils

2 (1) This paragraph applies where the Local Government Boundary Commission for England makes recommendations under section 56 in relation to the electoral arrangements for the area of a district council.

(2) The recommendations must secure the following results—

(a) every ward of a parish having a parish council (whether separate or common) must lie wholly within a single electoral area of the district council, and

(b) every parish which is not divided into parish wards must lie wholly within a single electoral area of the district council.

(3) Subject to sub-paragraph (2), in making the recommendations the Local Government Boundary Commission for England must have regard to—

(a) the need to secure that the ratio of the number of local government electors to the number of members of the district council to be elected is, as nearly as possible, the same in every electoral area of the council,

(b) the need to reflect the identities and interests of local communities and in particular—

(i) the desirability of fixing boundaries which are and will remain easily identifiable, and

(ii) the desirability of fixing boundaries so as not to break any local ties,

(c) the need to secure effective and convenient local government, and

(d) in the case of a district council that is subject to a scheme for elections by halves or by thirds, or that has resolved to revert to being subject to such a scheme under Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007 (c. 28), the desirability of securing that each electoral area of the district council returns an appropriate number of members of the council.

(4) For the purpose of sub-paragraph (3)(a) the Local Government Boundary Commission for England must have regard to any change in the number or distribution of local government electors in the area of the district council which is likely to take place within the period of five years immediately following the making of the recommendations.

(5) For the purposes of sub-paragraph (3)(d)—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(a) a district council is "subject to a scheme of elections by halves" if one half (or as nearly as may be) of its members are to be elected in each year in which it holds ordinary elections of members of the council;

(b) a district council is "subject to a scheme of elections by thirds" if one third (or as nearly as may be) of its members are to be elected in each year in which it holds ordinary elections of members of the council;

(c) the number of members of the district council returned by an electoral area of the council is "appropriate"—

(i) in the case of a scheme for elections by halves, if it is divisible by 2;

(ii) in the case of a scheme for elections by thirds, if it is divisible by 3.

Commencement Information
I123 Sch. 2 para. 2 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ee)**

London borough councils

3 (1) This paragraph applies where the Local Government Boundary Commission for England makes recommendations under section 56 in relation to the electoral arrangements for the area of a London borough council.

(2) The recommendations must secure the following results—

(a) every ward of a parish having a parish council (whether separate or common) must lie wholly within a single electoral area of the London borough council, and

(b) every parish which is not divided into parish wards must lie wholly within a single electoral area of the London borough council.

(3) Subject to sub-paragraph (2), in making the recommendations the Local Government Boundary Commission for England must have regard to—

(a) the need to secure that the ratio of the number of local government electors to the number of members of the London borough council to be elected is, as nearly as possible, the same in every electoral area of the council,

(b) the need to reflect the identities and interests of local communities and in particular—

(i) the desirability of fixing boundaries which are and will remain easily identifiable, and

(ii) the desirability of fixing boundaries so as not to break any local ties, and

(c) the need to secure effective and convenient local government.

(4) For the purpose of sub-paragraph (3)(a) the Local Government Boundary Commission for England must have regard to any change in the number or distribution of local government electors in the area of the London borough council which is likely to take place within the period of five years immediately following the making of the recommendations.

Commencement Information
I124 Sch. 2 para. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ee)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Parish councils

4 (1) This paragraph applies where the Local Government Boundary Commission for England makes recommendations under section 56 in relation to the electoral arrangements for the area of a parish council (including a common parish council).

(2) In making any such recommendations, the Local Government Boundary Commission for England must have regard to—

(a) the need to reflect the identities and interests of local communities, and in particular—

(i) the desirability of fixing boundaries which are and will remain easily identifiable, and

(ii) the desirability of fixing boundaries so as not to break any local ties,

(b) the need to secure effective and convenient local government, and

(c) the boundaries of the electoral areas of the principal council or councils in whose area the area of the parish council falls.

(3) In making any recommendations as to whether the area of the parish council is to be divided into wards for the election of members of the parish council, the Local Government Boundary Commission for England must have regard to—

(a) whether the number or distribution of the local government electors in the area is such as to make a single election of the members of the council impracticable or inconvenient, and

(b) whether it is desirable for any parts of the area of the parish council to be separately represented on the council.

(4) In making any recommendations as to—

(a) the size and boundaries of wards, or

(b) the number of members of a parish council to be elected for each ward,

the Local Government Boundary Commission for England must have regard to any change in the number or distribution of the local government electors in the area of the parish council which is likely to take place within the period of five years immediately following the making of the recommendations.

(5) In the case of the area of a parish council not divided into wards, in making recommendations as to the number of members to be elected for the parish council, the Local Government Boundary Commission for England must have regard to—

(a) the number and distribution of the local government electors in the area of the parish council, and

(b) any change in such number or distribution which is likely to take place within the period of five years immediately following the making of the recommendations.

Commencement Information

I125 Sch. 2 para. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ee)**

Interpretation

5 In this Schedule—

"local government elector" has the meaning given in section 270(1) of the Local Government Act 1972 (c. 70);

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

"electoral area", in relation to a principal council, means an area for which one or more members of the council are elected.

Commencement Information

I126 Sch. 2 para. 5 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ee)**

SCHEDULE 3

Section 64

ELECTORAL CHANGE IN ENGLAND: INTERIM MODIFICATIONS OF THE LOCAL GOVERNMENT ACT 1992

Introductory

1 (1) Part 2 of the Local Government Act 1992 (c. 19) has effect during the interim period subject to the modifications in paragraph 2.

(2) In this paragraph "interim period" means the period beginning with the day on which this Act is passed and ending with the day immediately preceding the day on which section 55 comes into force.

(3) Nothing in this Schedule affects the effect of Part 2 of the Local Government Act 1992 in relation to any recommendation made to the Electoral Commission under that Part before the day on which this Act is passed.

Interim modifications of Part 2 of the Local Government Act 1992

2 (1) The modifications referred to in paragraph 1(1) are as follows.

(2) In section 15 (procedure on a review)—

(a) in subsection (5)—

(i) for "submit recommendations to the Electoral Commission" substitute " make recommendations ";

(ii) in paragraph (a), for "submit" substitute " make ";

(b) omit subsections (6) to (7A).

(3) For section 17 (implementation) substitute—

"**17 Implementation of review recommendations**

(1) Where under section 15 the Boundary Committee for England makes recommendations for electoral changes, the Committee may by order give effect to all or any of the recommendations.

(2) An order under this section may in particular include provision as to—

(a) the total number of members of any principal council or parish council ("councillors");

(b) the number and boundaries of electoral areas for the purposes of the election of councillors;

(c) the number of councillors to be returned by for any electoral area;

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(d) the name of any electoral area;

(e) the election of councillors for any electoral areas;

(f) the order of retirement of councillors;

(g) the ordinary year of election for a parish council.

(3) An order under this section may not require or authorise the holding of an election for membership of a principal council otherwise than at an ordinary election for that council.

(4) An order under this section may—

(a) contain incidental, consequential, supplementary or transitional provision, or savings;

(b) make different provision for different cases, including different provision for different areas or councils.

(5) The provision referred to in subsection (4)(a) may include provision—

(a) applying any instrument made under an enactment, with or without modifications,

(b) extending, excluding or amending any such instrument, or

(c) repealing or revoking any such instrument.

(6) Where the Boundary Committee for England is satisfied that—

(a) a mistake has occurred in the preparation of an order under subsection (1), and

(b) the mistake is such that it cannot be rectified by a subsequent order under this section by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend),

the Committee may by order under this subsection make such provision as it thinks necessary or expedient for rectifying the mistake.

(7) In subsection (6), "mistake", in relation to an order, includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by any public body.

(8) An order under this section is to be made by statutory instrument.

(9) A draft of a statutory instrument containing an order under this section is to be laid before Parliament before the instrument is made.

(10) The power of the Boundary Committee for England under paragraph 12 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (power of delegation) does not apply to any function of the Committee under this section."

(4) Omit sections 19 (regulations) and 26 (orders etc).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

SCHEDULE 4

Section 67

BOUNDARY AND ELECTORAL CHANGE: AMENDMENTS

Local Government Act 1972 (c. 70)

1 The Local Government Act 1972 is amended as follows.

Commencement Information
I127 Sch. 4 para. 1 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

2 (1) Section 6 is amended as follows.

(2) In subsection (2)(a), for "sections 14(8) and 17(7) of the Local Government Act 1992" substitute " section 56(8) of the Local Democracy, Economic Development and Construction Act 2009 ".

(3) In subsection (3)(b), at the end insert " or Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I128 Sch. 4 para. 2 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

3 In sections 11A(10)(b), 12A(5)(b), 12B(6)(b) and 73(2), for "Electoral Commission" substitute " Local Government Boundary Commission for England ".

Commencement Information
I129 Sch. 4 para. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

4 (1) In Schedule 2, paragraph 7 (electoral divisions and wards of London boroughs) is amended as follows.

(2) In sub-paragraph (1)(b) at the end insert " or section 59 of the Local Democracy, Economic Development and Construction Act 2009 ".

(3) In sub-paragraph (2) for the words from "order" to "2007" substitute " order referred to in sub-paragraph (1)(b) above ".

Commencement Information
I130 Sch. 4 para. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

5 In Schedule 3 (new authorities in England), in paragraph 10(1), (2) and (3), after "2007" insert " or Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I131 Sch. 4 para. 5 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

6 (1) Schedule 11 (rules to be observed in considering electoral arrangements) is amended as follows.

(2) Omit paragraphs 1 and 3.

(3) In paragraph 4(1), omit "by either of the Commissions".

Commencement Information
I132 Sch. 4 para. 6 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Environment Act 1995 (c. 25)

7 (1) In Schedule 8 to the Environment Act 1995 (supplemental powers of National Park Authorities), paragraph 7 (power to promote Bills) is amended as follows.

(2) In sub-paragraph (3)—

(a) for "section 14(4) of the Local Government Act 1992" substitute " Part 3 of the Local Democracy, Economic Development and Construction Act 2009 ";

(b) for "any local government area within the meaning of that Act" substitute " the area of any principal council (within the meaning of that Part) or parish council ".

Commencement Information
I133 Sch. 4 para. 7 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Greater London Authority Act 1999 (c. 29)

8 The Greater London Authority Act 1999 is amended as follows.

Commencement Information
I134 Sch. 4 para. 8 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

9 In section 2(4) (Assembly constituencies), for "the Electoral Commission" substitute " the Local Government Boundary Commission for England ".

Commencement Information
I135 Sch. 4 para. 9 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

10 (1) Schedule 1 (Assembly constituencies and orders under section 2(4)) is amended as follows.

(2) For paragraph 1 substitute—

"1 (1) This paragraph applies where the Secretary of State makes an order under section 10 of the Local Government and Public Involvement in Health Act 2007 which includes a boundary change (within the meaning of section 8(3) of that Act) affecting a London borough.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(2) Where this paragraph applies, the Local Government Boundary Commission for England must consider whether to conduct a review of Assembly constituencies for the purpose of making recommendations as to—

(a) whether the boundary change referred to in sub-paragraph (1) requires changes to Assembly constituencies in order to comply with the rules set out in paragraph 7 below, and

(b) if so, what those changes should be."

(3) For paragraph 2 substitute—

"2 (1) The Local Government Boundary Commission for England may at any time—

(a) conduct a review of Assembly constituencies, and

(b) make recommendations as to—

(i) the area into which Greater London should be divided to form the Assembly constituencies, and

(ii) the name by which each Assembly constituency should be known.

(2) No recommendations may be made by the Local Government Boundary Commission for England pursuant to a review under this paragraph unless the recommendations comply with the rules set out in paragraph 7 below."

(4) For paragraphs 3 to 5 substitute—

"3 (1) As soon as reasonably practicable after deciding to conduct a review under paragraph 1 or 2, the Local Government Boundary Commission for England must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—

(a) the fact that the review is to take place, and

(b) any particular matters to which the review is to relate.

(2) In conducting a review under paragraph 1 or 2 the Local Government Boundary Commission for England must—

(a) prepare and publish draft recommendations,

(b) take such steps as its considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made, and

(c) take into consideration any representations made to the Commission within that period.

(3) The Local Government Boundary Commission for England may at any time before publishing draft recommendations under sub-paragraph (2)(a) consult such persons as it considers appropriate.

(4) As soon as practicable after conducting a review under paragraph 1 or 2 the Local Government Boundary Commission for England must—

(a) publish a report stating its recommendations, and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

4 (1) Where a report under paragraph 3 contains recommendations for changes to any Assembly constituency or the name by which any Assembly constituency is known, an order under section 2(4) may give effect to the recommendations.

(2) An order under section 2(4) may contain incidental, consequential, supplementary or transitional provision, or savings.

(3) The provision referred to in sub-paragraph (2) may include provision—

(a) applying any instrument made under an enactment, with or without modifications,

(b) extending, excluding or amending any such instrument, or

(c) repealing or revoking any such instrument.

(4) Where the Local Government Boundary Commission for England is satisfied that—

(a) a mistake has occurred in the preparation of an order under section 2(4), and

(b) the mistake is such that it cannot be rectified by a subsequent order under that section by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend),

the Commission may by order under section 2(4) make such provision as it thinks necessary or expedient for rectifying the mistake.

(5) In sub-paragraph (4), "mistake", in relation to an order, includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by any public body.

(6) A draft of a statutory instrument containing an order under section 2(4) is to be laid before Parliament before the instrument is made."

(5) In paragraph 7 (rules about Assembly constituencies), for "paragraphs 1(4), 2(2) and 4(3)" substitute " paragraphs 1(2) and 2(2) ".

(6) Omit Part 2 (orders under section 2(4)).

Commencement Information
I136 Sch. 4 para. 10 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Local Government and Public Involvement in Health Act 2007 (c. 28)

11 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

Commencement Information
I137 Sch. 4 para. 11 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

12 (1) Section 4 (request for Boundary Committee for England's advice) is amended as follows.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(2) In the heading, for "Boundary Committee for England's" substitute "Local Government Boundary Commission's".

(3) In subsection (2), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I138 Sch. 4 para. 12 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

13 (1) Section 5 (Boundary Committee's powers) is amended as follows.

(2) In the heading, for "Boundary Committee's" substitute "Local Government Boundary Commission's".

(3) In subsections (1), (2) and (3), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I139 Sch. 4 para. 13 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

14 (1) Section 6 (Boundary Committee's procedures) is amended as follows.

(2) In the heading, for "Boundary Committee's" substitute "Local Government Boundary Commission's".

(3) In subsection (1)—

(a) for "Boundary Committee", in the first place, substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee", in the remaining three places, substitute " Commission ".

(4) In subsection (2)—

(a) for "Boundary Committee" substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee's" substitute "Commission's".

(5) In subsection (4)—

(a) for "Boundary Committee", in the first place, substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee", in the second place, substitute " Commission ".

(6) In subsection (5), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I140 Sch. 4 para. 14 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

15 (1) Section 7 (implementation of proposals by order) is amended as follows.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(2) In subsection (1)(b), for "Boundary Committee" substitute " Local Government Boundary Commission ".

(3) In subsection (6)—

(a) for "Boundary Committee", in the first place, substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee", in the second place, substitute " Commission ".

(4) In subsection (7), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I141 Sch. 4 para. 15 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

16 (1) Section 8 (review by Boundary Committee of local government areas) is amended as follows.

(2) In the heading, for "Boundary Committee" substitute " Local Government Boundary Commission ".

(3) In subsections (1), (2), (5), (6) and (7), for "Boundary Committee" substitute " Local Government Boundary Commission ".

(4) In subsection (8)—

(a) for "Boundary Committee", in the first place, substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee", in the remaining three places, substitute " Commission ".

Commencement Information
I142 Sch. 4 para. 16 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

17 (1) Section 9 (Boundary Committee's review: consultation etc) is amended as follows.

(2) In the heading, for "Boundary Committee's" substitute "Local Government Boundary Commission's".

(3) In subsection (2), for "Committee" substitute " Local Government Boundary Commission ".

(4) In subsection (3)—

(a) for "Boundary Committee", in the first place, substitute " Local Government Boundary Commission ";

(b) for "Boundary Committee", in the second place, substitute " Commission ".

(5) In subsections (4) and (5), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I143 Sch. 4 para. 17 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

18 In section 10 (implementation of recommendations by order), in subsections (1), (2), (4) and (5), for "Boundary Committee" substitute " Local Government Boundary Commission ".

Commencement Information
I144 Sch. 4 para. 18 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

19 In section 12 (provision relating to membership etc of authorities), in subsection (5), for the words from "the Electoral Commission" to the end substitute " the Local Government Boundary Commission must consider whether to exercise its power under section 56(2) of the Local Democracy, Economic Development and Construction Act 2009 (electoral reviews) ".

Commencement Information
I145 Sch. 4 para. 19 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

20 (1) In section 23 (definitions), subsection (1) is amended as follows.

(2) Omit the definition of "the Boundary Committee".

(3) After the definition of "local government area" insert—

""the Local Government Boundary Commission" means the Local Government Boundary Commission for England;".

Commencement Information
I146 Sch. 4 para. 20 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

21 (1) Section 36 (notice to Electoral Commission) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission for England ".

(3) In subsection (2), for "Electoral Commission" substitute " Local Government Boundary Commission ".

(4) After subsection (2) insert—

"(3) In this Chapter, "Local Government Boundary Commission" means the Local Government Boundary Commission for England."

Commencement Information
I147 Sch. 4 para. 21 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

22 In section 41 (publicity for resolution), in subsection (4)(b), for "Electoral Commission" substitute " Local Government Boundary Commission ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I148 Sch. 4 para. 22 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

23 (1) Section 42 (notice to Electoral Commission) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (2), for "Electoral Commission" substitute " Local Government Boundary Commission ".

Commencement Information
I149 Sch. 4 para. 23 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

24 (1) Section 43 (Electoral Commission to consider whether electoral review is necessary) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (1), for "Electoral Commission" substitute " Local Government Boundary Commission ".

(4) In subsection (2), for the words from "the Commission" to "the Boundary Committee" substitute " the Local Government Boundary Commission must consider whether to exercise its power under section 56(2) of the Local Democracy, Economic Development and Construction Act 2009 ".

(5) In subsection (3), for the words from "to direct" to "the Commission" substitute " to conduct such a review, the Local Government Boundary Commission ".

Commencement Information
I150 Sch. 4 para. 24 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

25 (1) Section 44 (Electoral Commission to make order for new electoral scheme) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (1), for "Electoral Commission" substitute " Local Government Boundary Commission ".

(4) For subsection (2) substitute—

"(2) But the Local Government Boundary Commission must not make the order—

(a) before it has decided whether or not conduct an electoral review (see section 43(2)), and

(b) if it has decided to conduct such a review, before the review is concluded."

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I151 Sch. 4 para. 25 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

26 In sections 45(2)(a) (orders for elections by halves) and 47(2)(a) (orders for elections by thirds), for "Electoral Commission make" substitute " Local Government Boundary Commission makes ".

Commencement Information
I152 Sch. 4 para. 26 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

27 (1) Section 50 (power to Electoral Commission to make incidental etc provision) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) For "Commission" substitute " Local Government Boundary Commission ".

Commencement Information
I153 Sch. 4 para. 27 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

28 (1) Section 51 (position if Electoral Commission act under existing powers) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) For paragraphs (a) and (b) substitute—

"(a) the Local Government Boundary Commission decides to conduct an electoral review (see section 43(2)), and

(b) pursuant to that review the Commission makes recommendations for electoral changes,".

(3) In the words after paragraph (b), for "section 17 of the Local Government Act 1992 (c. 19)" substitute " section 59 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I154 Sch. 4 para. 28 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

29 (1) Section 52 (publicity for order by Electoral Commission) is amended as follows.

(2) In the heading, for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (1), for "Electoral Commission have" substitute " Local Government Boundary Commission has ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I155 Sch. 4 para. 29 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

30 (1) Section 59 (change of name of electoral area), is amended as follows.

(2) In subsections (5), (6)(a) and (7), for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (8)(a), after "Local Government Act 1992 (c. 19)" insert " , section 59 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I156 Sch. 4 para. 30 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

31 (1) Section 86 (reorganisation of community governance) is amended as follows.

(2) In subsections (2) and (3), for "Electoral Commission" substitute " Local Government Boundary Commission ".

(3) In subsection (5), after paragraph (b) insert—

"(ba) section 59 of the Local Democracy, Economic Development and Construction Act 2009,".

(4) In subsection (6)(b) after "under" insert " section 59 of the Local Democracy, Economic Development and Construction Act 2009, ".

Commencement Information
I157 Sch. 4 para. 31 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

32 In sections 92(2), (3), (4) and (5) (consequential recommendations), 96(7)(b) (publicising outcome), 98(1)(b), (2) and (7) (orders and regulations) and 100(2) (guidance), for "Electoral Commission" substitute " Local Government Boundary Commission ".

Commencement Information
I158 Sch. 4 para. 32 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

33 In section 102 (interpretation), in subsection (2), after the definition of "local government elector" insert—

""Local Government Boundary Commission" means the Local Government Boundary Commission for England."

Commencement Information
I159 Sch. 4 para. 33 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

34 In section 240 (orders, regulations and guidance), in subsections (2) and (7)(a), for "Electoral Commission" substitute " Local Government Boundary Commission for England ".

Commencement Information
I160 Sch. 4 para. 34 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ff)**

SCHEDULE 5

Section 85

REGIONAL STRATEGY: AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

1 The Town and Country Planning Act 1990 is amended as follows.

Commencement Information
I161 Sch. 5 para. 1 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

2 (1) Section 83 (making of simplified planning zone schemes) is amended as follows.

(2) In subsections (1A), (2B) and (4) (as inserted by section 42 of the Planning and Compulsory Purchase Act 2004 (c. 5)) for "regional spatial strategy" substitute " regional strategy ".

(3) After subsection (4) insert—

"(5) In this section and in Schedule 7 references to a regional strategy are to a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009".

Commencement Information
I162 Sch. 5 para. 2 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

3 (1) In Schedule 1 (local planning authorities: distribution of functions), paragraph 7 (as substituted by Schedule 6 to the Planning and Compulsory Purchase Act 2004) is amended as follows.

(2) In sub-paragraph (2)(a), for "the RPB" substitute " the responsible regional authorities ".

(3) In sub-paragraph (3)—

(a) in paragraph (a), for "the RSS" substitute " the regional strategy ";

(b) in paragraph (b), for "the RPB has" substitute " the responsible regional authorities have ".

(4) In sub-paragraph (5)(a), for "the RPB gives" substitute " the responsible regional authorities give ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(5) In sub-paragraph (7)(a), for "the RPB" substitute " the responsible regional authorities ".

(6) In sub-paragraph (9)(a)—

(a) for "the RSS" substitute " the regional strategy ";

(b) for "section 5(8) of the 2004 Act" substitute " section 78(1) of the Local Democracy, Economic Development and Construction Act 2009 ".

(7) For sub-paragraph (11) substitute—

"(11) In this paragraph "responsible regional authorities", in relation to a regional strategy, has the same meaning as in Part 5 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information

I163 Sch. 5 para. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

4 In Schedule 7 (simplified planning zones), in paragraph 12(1A)(a) (as substituted by section 49(6) of the Planning and Compulsory Purchase Act 2004) for "regional spatial strategy" substitute " regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information

I164 Sch. 5 para. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

Regional Development Agencies Act 1998 (c. 45)

5 The Regional Development Agencies Act 1998 is amended as follows.

Commencement Information

I165 Sch. 5 para. 5 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

F174 6 . . . . . .

Textual Amendments

F174 Sch. 5 para. 6 repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)

7 Omit section 8 (regional consultation).

Commencement Information

I166 Sch. 5 para. 7 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

8 In section 18 (regional accountability), omit subsections (1) and (1A).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I167 Sch. 5 para. 8 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

Greater London Authority Act 1999 (c. 29)

9 The Greater London Authority Act 1999 is amended as follows.

Commencement Information
I168 Sch. 5 para. 9 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

10 In section 342 (matters to which Mayor to have regard), in subsection (1)(a) (as substituted by Schedule 7 to the Planning and Compulsory Purchase Act 2004 (c. 5)), for "regional spatial strategy" substitute " regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I169 Sch. 5 para. 10 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

11 In Schedule 10 (Transport for London), in paragraph 2(3A), for "regional planning body", substitute " responsible regional authorities (within the meaning of Part 5 of the Local Democracy, Economic Development and Construction Act 2009) ".

Commencement Information
I170 Sch. 5 para. 11 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

Planning and Compulsory Purchase Act 2004 (c. 5)

12 The Planning and Compulsory Purchase Act 2004 is amended as follows.

Commencement Information
I171 Sch. 5 para. 12 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

13 Omit sections 1 to 12 (regional functions).

Commencement Information
I172 Sch. 5 para. 13 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

14 In section 19 (preparation of local development documents), in subsections (2)(b) and (d), for "the RSS" substitute " the regional strategy ".

Commencement Information
I173 Sch. 5 para. 14 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

15 (1) Section 24 (conformity with regional strategy) is amended as follows.

(2) In subsection (1)(a), for "the RSS" substitute " the regional strategy ".

(3) Omit subsections (2) and (3).

(4) In subsection (5), for the words from "subsection (2)" to the end substitute " subsection (4), the Mayor may give an opinion as to the general conformity of a local development document with the spatial development strategy ".

(5) Omit subsections (6), (8) and (9).

Commencement Information
I174 Sch. 5 para. 15 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

16 In section 28 (joint local development documents), in subsection (4), for "the RSS", in both places, substitute " regional strategy ".

Commencement Information
I175 Sch. 5 para. 16 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

17 In section 37 (interpretation), for subsection (6) substitute—

"(6) Regional strategy" means a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009.

(6A) "Responsible regional authorities" is to be construed in accordance with Part 5 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I176 Sch. 5 para. 17 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

18 (1) Section 39 (sustainable development) is amended as follows.

(2) In subsection (1)—
(a) omit paragraph (a);
(b) in paragraph (b), after "Part 2" insert " of this Act ";
(c) in paragraph (c), after "Part 6" insert " of this Act ".

(3) In subsection (3), for "subsection (1)(a) and (b)" substitute " subsection (1)(b) ".

Commencement Information
I177 Sch. 5 para. 18 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

19 (1) Section 113 (validity of strategies etc) is amended as follows.

(2) In subsection (1)(a), for "the regional spatial strategy" substitute " the regional strategy ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(3) In subsection (9), for paragraph (a) substitute—

"(a) Part 5 of the Local Democracy, Economic Development and Construction Act 2009 in the case of a revision of the regional strategy;".

(4) In subsection (11), for paragraph (a) substitute—

"(a) for the purposes of a revision of the regional strategy, the date when the revision is published by the Secretary of State under Part 5 of Local Democracy, Economic Development and Construction Act 2009;".

(5) After subsection (11) insert—

"(12) In this section references to a revision of the regional strategy include a revised strategy under section 79 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information

I178 Sch. 5 para. 19 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(gg)**

[F175SCHEDULE 5A

COMBINED AUTHORITIES: OVERVIEW AND SCRUTINY COMMITTEES AND AUDIT COMMITTEES

Textual Amendments

F175 Sch. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 3**

Modifications etc. (not altering text)

C15 Sch. 5A applied (with modifications) (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), art. 1, **Sch. 2 para. 4(5)** (with art. 28)

Functions of overview and scrutiny committee

1 (1) A combined authority must arrange for the appointment by the authority of one or more committees of the authority (referred to in this Schedule as overview and scrutiny committees).

(2) The arrangements must ensure that the combined authority's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the authority;

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(b) to make reports or recommendations to the authority with respect to the discharge of any functions that are the responsibility of the authority;

(c) to make reports or recommendations to the authority on matters that affect the authority's area or the inhabitants of the area.

(3) If the combined authority is a mayoral combined authority, the arrangements must also ensure that the combined authority's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general functions;

(b) to make reports or recommendations to the mayor with respect to the discharge of any general functions;

(c) to make reports or recommendations to the mayor on matters that affect the authority's area or the inhabitants of the area.

(4) The power of an overview and scrutiny committee under sub-paragraph (2)(a) and (3)(a) to review or scrutinise a decision made but not implemented includes—

(a) power to direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and

(b) power to recommend that the decision be reconsidered.

(5) An overview and scrutiny committee of a combined authority must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of decisions made but not yet implemented and its arrangements in connection with the exercise of those powers.

(6) Before complying with sub-paragraph (5) an overview and scrutiny committee must obtain the consent of the combined authority to the proposals and arrangements.

(7) An overview and scrutiny committee of a combined authority may not discharge any functions other than the functions conferred by or under this Schedule.

(8) Any reference in this Schedule to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.

Overview and scrutiny committees: supplementary provision

2 (1) An overview and scrutiny committee of a combined authority—

(a) may appoint one or more sub-committees, and

(b) may arrange for the discharge of any of its functions by any such sub-committee.

(2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under sub-paragraph (1)(b).

(3) An overview and scrutiny committee of a combined authority may not include a member of the authority (including, in the case of a mayoral combined authority, the mayor for the authority's area or deputy mayor).

(4) An overview and scrutiny committee of a combined authority is to be treated as a committee or sub-committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(5) Subsections (2) to (5) of section 102 of the Local Government Act 1972 apply to an overview and scrutiny committee of a combined authority as they apply to a committee appointed under that section.

(6) An overview and scrutiny committee of a combined authority—

(a) may require the members or officers of the authority to attend before it to answer questions (including, in the case of a mayoral combined authority, the mayor for the authority's area and deputy mayor), and

(b) may invite other persons to attend meetings of the committee.

(7) A person on whom a requirement is imposed under sub-paragraph (6)(a) is required to comply with the requirement.

(8) A person is not obliged by sub-paragraph (6) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(9) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a combined authority must have regard to any guidance for the time being issued by the Secretary of State.

(10) Guidance under sub-paragraph (9) may make different provision for different cases or for different descriptions of committee.

(11) In sub-paragraphs (3) to (9) references to an overview and scrutiny committee of a combined authority include references to any sub-committee of such a committee.

Power to make further provision about overview and scrutiny committees

3 (1) The Secretary of State may by order make further provision about overview and scrutiny committees of a combined authority.

(2) Provision under sub-paragraph (1) may in particular include provision—

(a) about the membership of an overview and scrutiny committee and the voting rights of such members;

(b) about the person who is to be chair of such a committee;

(c) for the appointment of a person to act as a scrutiny officer of an overview and scrutiny committee;

(d) about how and by whom matters may be referred to an overview and scrutiny committee;

(e) requiring persons (whether members of the authority or other persons) to respond to reports or recommendations made by an overview and scrutiny committee;

(f) about the publication of reports, recommendations or responses;

(g) about information which must, or must not, be disclosed to an overview and scrutiny committee (whether by members of the authority or by other persons);

(h) as to the minimum or maximum period for which a direction under paragraph 1(4)(a) may have effect.

(3) Provision must be made under sub-paragraph (2)(a) so as to ensure that the majority of members of an overview and scrutiny committee are members of the combined authority's constituent councils.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(4) Provision must be made under sub-paragraph (2)(b) so as to ensure that the chair of an overview and scrutiny committee is—

(a) an independent person (as defined by the order), or

(b) an appropriate person who is a member of one of the combined authority's constituent councils.

(5) For the purposes of sub-paragraph (4)(b) "appropriate person"—

(a) in relation to a mayoral combined authority, means a person who is not a member of a registered political party of which the mayor is a member, and

(b) in relation to any other combined authority, means a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils (or, if there is no such party because two or more parties have the same number of representatives, is not a member of any of those parties).

(6) In sub-paragraph (2)(c) the reference to a "scrutiny officer" of an overview and scrutiny committee is a reference to a person appointed with the function of—

(a) promoting the role of the committee, and

(b) providing support and guidance—

(i) to the committee and its members, and

(ii) to members of the combined authority (so far as relating to the functions of the committee).

(7) Provision under sub-paragraph (2)(f) may include provision for descriptions of confidential or exempt information to be excluded from the publication of reports, recommendations or responses.

(8) In this paragraph—

"constituent council", in relation to a combined authority, means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority;

"registered political party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(9) In this paragraph references to an overview and scrutiny committee include references to any sub-committee of such a committee.

Audit committees

4 (1) A combined authority must arrange for the appointment by the authority of an audit committee.

(2) The functions of the audit committee are to include—

(a) reviewing and scrutinising the authority's financial affairs,

(b) reviewing and assessing the authority's risk management, internal control and corporate governance arrangements,

(c) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions, and

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Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(d) making reports and recommendations to the combined authority in relation to reviews conducted under paragraphs (a), (b) and (c).

(3) The Secretary of State may by order make provision about—

(a) the membership of a combined authority's audit committee;

(b) the appointment of the members.

(4) Provision must be made under sub-paragraph (3) so as to ensure that at least one member of an audit committee is an independent person (as defined by the order).**]**

[F176SCHEDULE 5B

MAYORS FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION ABOUT ELECTIONS

Textual Amendments

F176 Sch. 5B inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 1**

Interpretation

1 In this Schedule references to a mayor are references to a mayor for the area of a combined authority.

Timing of elections

2 (1) The term of office of a mayor is to be four years.

(2) The first election for the return of a mayor is to take place on the first day of ordinary elections of councillors of a constituent council to take place after the end of the period of 6 months beginning with the day on which the order under section 107A comes into force.

(3) Subsequent elections for the return of a mayor are to take place in every fourth year thereafter on the same day as the ordinary election of councillors of that constituent council.

(4) But this paragraph has effect subject to any provision made under paragraph 3.

(5) In this paragraph "constituent council" means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority.

3 The Secretary of State or the **[**F177Minister for the Cabinet Office**]** may by order make provision—

(a) as to the dates on which and years in which elections for the return of a mayor may or must take place,

(b) as to the intervals between elections for the return of a mayor,

(c) as to the term of office of a mayor, and

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(d) as to the filling of vacancies in the office of a mayor.

Textual Amendments

F177 Words in Sch. 5B para. 3 substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(c)** (with art. 12)

Modifications etc. (not altering text)

C16 Sch. 5B para. 3 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 3(1), **Sch. 1(p)** (with arts. 3(2), 6, 12)

Voting at elections of mayors

4 (1) Each person entitled to vote as an elector at an election for the return of a mayor is to have the following vote or votes—

(a) one vote (a "first preference vote") which may be given for the voter's first preference from among the candidates to be the mayor, and

(b) if there are three or more candidates to be the mayor, one vote (a "second preference vote") which may be given for the voter's second preference from among those candidates.

(2) The mayor is to be returned under the simple majority system, unless there are three or more candidates.

(3) If there are three or more candidates to be the mayor, the mayor is to be returned under the supplementary vote system in accordance with paragraph 5.

5 (1) This paragraph applies if there are three or more candidates to be a mayor.

(2) If one of the candidates to be the mayor receives more than half of all the first preference votes given in the election, that candidate is to be returned as the mayor.

(3) If none of the candidates to be the mayor receives more than half of all the first preference votes given in the election, the following provisions are to have effect.

(4) The two candidates who received the greatest number of first preference votes given in the election remain in the contest.

(5) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (4), all of them remain in the contest.

(6) The other candidates are eliminated from the contest.

(7) The number of second preference votes given in the election for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates is to be ascertained.

(8) That number is to be added to the number of first preference votes given for that candidate, to give that candidate's total number of preference votes.

(9) The person who is to be returned as the mayor is that one of the candidates remaining in the contest who has the greatest number of preference votes.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(10) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest number of preference votes, the returning officer is to decide by lots which of them is to be returned as the mayor.

(11) In this paragraph "first preference vote" and "second preference vote" has the meaning given in paragraph 4(1).

Entitlement to vote

6 (1) The persons entitled to vote as electors at an election for the return of a mayor for the area of a combined authority are those who on the day of the poll—

(a) would be entitled to vote as electors at an election of councillors for an electoral area situated wholly or partly within the area of the authority, and

(b) are registered in the register of local government electors at an address within the authority's area.

(2) A person is not entitled as an elector to cast more than one first preference vote, or more than one second preference vote, at an election for the return of a mayor.

(3) In this paragraph—

"electoral area" has the meaning given by section 203(1) of the Representation of the People Act 1983;

"local government elector" has the meaning given by section 270(1) of the Local Government Act 1972.

Election as mayor and councillor

7 (1) If the person who is returned at an election as the mayor for the area of a combined authority is also returned at an election held at the same time as a councillor of a constituent council, a vacancy arises in the office of councillor.

(2) If the person who is returned at an election ("the mayoral election") as the mayor for the area of a combined authority—

(a) is a councillor of a constituent council, and

(b) was returned as such a councillor at an election held at an earlier time than the mayoral election,

a vacancy arises in the office of councillor.

(3) Subject to sub-paragraph (4), a person who is elected as the mayor for the area of a combined authority may not be a candidate in an election for the return of a councillor or councillors of a constituent council.

(4) A person who is the mayor for the area of a combined authority may be a candidate in an election for the return of a councillor or councillors of a constituent council if the election is held at the same time as an election for the return of the mayor, but sub-paragraph (1) applies if the person is a candidate in both such elections and is returned as the mayor and as a councillor.

(5) In this paragraph, "constituent council" means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority.

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Qualification and disqualification

8 (1) In order to be qualified to be elected and to hold office as the mayor for the area of a combined authority, a person must, on the relevant day, be—

(a) at least 18 years old, and

(b) a qualifying citizen.

(2) The person must also—

(a) on and after the relevant day, be entitled (under paragraph 6) to vote in the election for the return of the mayor for that area, or

(b) for the twelve months before the relevant day—

(i) have occupied, as owner or tenant, land or other premises within an electoral area situated wholly or partly within the area of the authority,

(ii) had his or her principal or only place of work in that electoral area, or

(iii) resided in that electoral area.

(3) In this paragraph—

"electoral area" has the meaning given by section 203(1) of the Representation of the People Act 1983;

"qualifying citizen" means a person who is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union, within the meaning given in section 79 of the Local Government Act 1972;

"relevant day" means—

(a) if the election is preceded by the nomination of candidates, the day on which the person is nominated, and

(b) if the election is not preceded by the nomination of candidates, the day of the election.

9 (1) A person is disqualified for being elected or holding office as the mayor for the area of a combined authority if the person—

(a) holds any paid office or employment (other than the office of mayor or deputy mayor) appointments or elections to which are or may be made by or on behalf of the combined authority or any of the constituent councils;

(b) is the subject of—

(i) a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986, or

(ii) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;

(c) has in the five years before being elected, or at any time since being elected, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and been sentenced to a period of imprisonment of three months or more without the option of a fine;

(d) is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

(2) For the purposes of sub-paragraph (1)(c), a person is to be treated as having been convicted on—

(a) the expiry of the ordinary period allowed for making an appeal or application with respect to the conviction, or

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(b) if an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

(3) In this paragraph, "constituent council" means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority.

Modifications etc. (not altering text)

C17 Sch. 5B para. 9(1)(a) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 16(2)**

10 Paragraph 9 of Schedule 5C contains further provision about disqualification in the case of mayors who exercise PCC functions.

11 The acts of a person elected as a mayor for the area of a combined authority who acts in that office are, despite any disqualification or lack of qualification—

(a) in respect of being, or being elected as, a mayor, or

(b) in respect of being, or being elected as, the mayor for that area,

as valid and effectual as if the person had not been so disqualified or as if the person had been qualified.

Power to make further provision

12 (1) The Secretary of State or the **[**[F178]Minister for the Cabinet Office**]** may by order make provision as to—

(a) the conduct of elections for the return of mayors, and

(b) the questioning of elections for the return of mayors and the consequences of irregularities.

(2) An order under sub-paragraph (1)(a) may, in particular, include provision—

(a) about the registration of electors,

(b) for disregarding alterations in a register of electors,

(c) about the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses), and

(d) for the combination of polls at elections for the return of mayors and other elections.

(3) An order under this paragraph may—

(a) apply or incorporate (with or without modifications) any provision of, or made under, the Representation of the People Acts or any provision of any other enactment (whenever passed or made) relating to parliamentary elections or local government elections,

(b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of mayors, and

(c) so far as may be necessary in consequence of any provision made by or under this Part or any order under this paragraph, amend any provision of

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any enactment (whenever passed or made) relating to the registration of parliamentary electors or local government electors.

(4) Before making an order under this paragraph, the Secretary of State or the **[**[F179]Minister for the Cabinet Office**]** must consult the Electoral Commission.

(5) In addition, the power of the Secretary of State or the **[**[F180]Minister for the Cabinet Office**]** to make an order under this paragraph so far as relating to matters mentioned in sub-paragraph (2)(c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State or the **[**[F180]Minister for the Cabinet Office**]** considers that it is expedient to exercise that power in consequence of changes in the value of money.

(6) No return of a mayor at an election is to be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in an order under this paragraph.**]**

Textual Amendments

F178 Words in Sch. 5B para. 12(1) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(c)** (with art. 12)

F179 Words in Sch. 5B para. 12(4) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(c)** (with art. 12)

F180 Words in Sch. 5B para. 12(5) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 22(c)** (with art. 12)

Modifications etc. (not altering text)

C18 Sch. 5B para. 12 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), 3(1), **Sch. 1(p)** (with arts. 3(2), 6, 12)

[[F181]SCHEDULE 5C

MAYORS FOR COMBINED AUTHORITY AREAS: PCC FUNCTIONS

Textual Amendments

F181 Sch. 5C inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 2**

Introductory

1 (1) This Schedule applies where an order is made under section 107F(1) providing for a mayor to exercise functions of a police and crime commissioner.

(2) A duty under this Schedule to make provision by order is a duty to make such provision in an order made at any time before the first election of a mayor who,

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by virtue of an order under section 107F(1), is to exercise functions of a police and crime commissioner.

(3) In this Schedule references to "the mayor" and the "combined authority area" are references to a mayor or area in relation to which an order is made under section 107F(1).

(4) In this Schedule "the 2011 Act" means the Police Reform and Social Responsibility Act 2011.

PCC functions exercisable by the mayor

2 (1) The Secretary of State may by order provide that the mayor may exercise in the combined authority area—

(a) all PCC functions,

(b) all PCC functions other than those specified or described in the order, or

(c) only those PCC functions specified or described in the order.

(2) But an order under sub-paragraph (1)(b) or (c) must secure that the following PCC functions are exercisable by the mayor in relation to the combined authority area—

(a) the functions mentioned in subsections (6) to (8) of section 1 of the 2011 Act (securing maintenance of efficient and effective police force and holding the relevant chief constable to account);

(b) the functions under sections 5, 7 and 8 of that Act (issuing etc a police and crime plan);

(c) the functions under section 38 of that Act (appointing, suspending or removing a chief constable).

Delegation of functions

3 (1) The Secretary of State must by order make provision authorising the mayor—

(a) to appoint a deputy mayor in respect of PCC functions ("deputy mayor for policing and crime"), and

(b) to arrange for the deputy mayor for policing and crime to exercise any PCC functions of the mayor.

(2) An order under this paragraph must include provision authorising the mayor to arrange for any other person to exercise any PCC functions of the mayor.

(3) An order under this paragraph must include provision preventing the mayor from appointing as deputy mayor for policing and crime—

(a) the person who is appointed as deputy mayor under section 107C;

(b) a person listed in subsection (6) of section 18 of the 2011 Act;

(c) any other person of a description specified in the order.

(4) An order under this paragraph must include provision preventing the mayor from arranging for the deputy mayor for policing and crime to exercise—

(a) a PCC function of the mayor of a kind listed in subsection (7)(a), (e) or (f) of section 18 of the 2011 Act, or

(b) any other PCC function specified or described in the order.

(5) An order under this paragraph must include provision preventing the mayor from arranging, by virtue of provision under sub-paragraph (2), for a person to exercise—

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(a) any function if the person is listed in subsection (6) of section 18 of the 2011 Act;

(b) a function listed in subsection (7) of that section;

(c) any other PCC function specified or described in the order.

(6) An order under this paragraph must include provision authorising the deputy mayor for policing and crime to arrange for any other person to exercise any PCC function of the mayor which is exercisable by the deputy mayor for policing and crime in accordance with provision made under this paragraph.

(7) An order under this paragraph must include provision preventing the deputy mayor for policing and crime from arranging for a person to exercise a function if—

(a) the person is listed in subsection (6) of section 18 of the 2011 Act, or

(b) the function is a PCC function of the mayor—

(i) of a kind listed in subsection (7)(b), (c) or (d) of that section, or

(ii) of any other kind specified or described in the order.

Police and crime panels

4 The Secretary of State must by order provide for a panel to be established in relation to the combined authority area with functions, in relation to the exercise by the mayor of PCC functions, corresponding to those of a police and crime panel under sections 28 and 29 of the 2011 Act.

5 (1) The Secretary of State may by order provide for a police and crime panel to have oversight functions in relation to any general functions of the mayor that are the subject of arrangements under section 107D(3)(c)(i) (power to arrange for general functions to be exercisable by deputy mayor for policing and crime).

(2) If it appears to the Secretary of State expedient for the police and crime panel also to have oversight functions in relation to other general functions of the mayor that are related to general functions in respect of which an order is made under sub-paragraph (1), the Secretary of State may by order provide for the panel to have oversight functions in relation to those other general functions.

(3) An order under this paragraph may disapply, or otherwise modify, the application of paragraph 1(3) of Schedule 5A so far as relating to general functions of the mayor in respect of which a police and crime panel has oversight functions.

(4) In this paragraph—

"oversight functions", in relation to general functions of the mayor, are functions that are of a corresponding or similar kind to those that a police and crime panel has in relation to PCC functions of the mayor;

"police and crime panel" means a panel established by virtue of an order under paragraph 4.

Financial matters

6 The Secretary of State must by order make provision—

(a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of PCC functions;

(b) about the preparation of an annual budget in relation to the exercise of such functions.

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Suspension

7 The Secretary of State must by order provide for the panel mentioned in paragraph 4 to have power to suspend the mayor, so far as acting in the exercise of PCC functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 Act in relation to a police and crime commissioner.

Conduct

8 The Secretary of State must by order make provision about the matters mentioned in paragraphs (a) to (c) of section 31(1) of the 2011 Act (taking references in those paragraphs to "relevant office holders" as references to the mayor and the deputy mayor for policing and crime).

Disqualification

9 (1) The Secretary of State must by order provide for sections 64 to 68 of the 2011 Act to apply in relation to a person being, or being elected as, the mayor as they apply in relation to a person being, or being elected as, a police and crime commissioner.

(2) Provision under sub-paragraph (1) is in addition to paragraphs 8 and 9 of Schedule 5B.

Policing protocol

10 The Secretary of State must by order require the mayor to have regard, in the exercise of PCC functions, to the policing protocol issued under section 79 of the 2011 Act.

Application of certain enactments

11 (1) The Secretary of State must by order provide for the following provisions of the Police Act 1996 to apply to the mayor, in the exercise of PCC functions, as though the mayor were a police and crime commissioner—

(a) sections 24(4) and 98(6) (aid of one police force by another);
(b) sections 22A to 23H (collaboration agreements);
(c) sections 40 to 40B (powers to give directions);
(d) sections 54 and 55 (appointment and functions of Her Majesty's Inspectors of Constabulary);
(e) section 96A(2) (national and international functions).

(2) The Secretary of State must by order provide for provision similar to section 41 of the Police Act 1996 (directions as to minimum budget) to have effect for the purpose of enabling directions to be given to the mayor acting on behalf of the mayoral combined authority in relation to the calculation of the component of the council tax requirement relating to the mayor's PCC functions (see section 107G(4)(a) above).

Supplementary

12 (1) Subject to the requirements of this Schedule, the Secretary of State may by order make any other provision the Secretary of State thinks appropriate for the purposes of giving full effect to an order under section 107F.

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(2) Sub-paragraphs (3) and (4) apply in relation to an order under—

(a) this paragraph,

(b) another paragraph of this Schedule, or

(c) section 107F.

(3) The order may include provision—

(a) that is similar to any police and crime commissioner enactment, or

(b) for a purpose corresponding to a purpose for which any such enactment is made.

(4) The order may provide for the mayor to be treated as a police and crime commissioner for the purposes of any police and crime commissioner enactment.

(5) "Police and crime commissioner enactment" means—

(a) any enactment that is contained in, or is made under, Part 1 of the 2011 Act, and

(b) any other enactment that has effect in relation to police and crime commissioners.

(6) In sub-paragraph (5) "enactment" includes an enactment whenever passed or made.

(7) Power to make an order under this paragraph is in addition to (and does not limit) the power to make an order under section 114.

(8) Subsections (5) and (6) of section 107C, so far as relating to the exercise of PCC functions, are subject to any provision contained in an order under this Schedule.

(9) An order under this Schedule may relate to—

(a) a particular mayor in respect of whom an order under section 107F(1) has effect, or

(b) all mayors in respect of whom any such order has effect.**]**

SCHEDULE 6

Section 119

EPBs AND COMBINED AUTHORITIES: AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

1 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of "local authority", for the words from "or a joint authority" to the end substitute " , a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act; ".

Commencement Information

I179 Sch. 6 para. 1 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Trustee Investments Act 1961 (c. 62)

2 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information
I180 Sch. 6 para. 2 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government (Records) Act 1962 (c. 56)

3 (1) The Local Government (Records) Act 1962 is amended as follows.

(2) In section 2(6) (acquisition and deposit of records), after "(waste regulation and disposal authorities)" insert " , to an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, to a combined authority established under section 103 of that Act ".

(3) In section 8(1) (interpretation), in the definition of "local authority", after "(waste regulation and disposal authorities)," insert " or an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act ".

Commencement Information
I181 Sch. 6 para. 3 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1966 (c. 42)

4 In section 11(2) of the Local Government Act 1966 (grants for certain expenditure due to ethnic minority population), for the words from "and a joint authority" to the end substitute " , a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 and a combined authority established under section 103 of that Act as it applies to a local authority. "

Commencement Information
I182 Sch. 6 para. 4 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Leasehold Reform Act 1967 (c. 88)

5 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after "Local Government Act 1985," insert " any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, any combined authority established under section 103 of that Act, ".

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Commencement Information
I183 Sch. 6 para. 5 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Transport Act 1968 (c. 73)

6 In section 56(6) of the Transport Act 1968 (assistance towards capital expenditure on public transport facilities), after paragraph (bb) insert—

"(bc) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;".

Commencement Information
I184 Sch. 6 para. 6 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Grants (Social Need) Act 1969 (c. 2)

7 In section 1(3) of the Local Government Grants (Social Need) Act 1969 (provision for grants), for the words from "and a joint authority" to the end substitute " , a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 and a combined authority established under section 103 of that Act. "

Commencement Information
I185 Sch. 6 para. 7 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

8 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information
I186 Sch. 6 para. 8 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Authorities (Goods and Services) Act 1970 (c. 39)

9 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of "local authority", after "Local Government Act 1985," insert " any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, any combined authority established under section 103 of that Act, ".

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Commencement Information
I187 Sch. 6 para. 9 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1972 (c. 70)

10 The Local Government Act 1972 is amended as follows.

Commencement Information
I188 Sch. 6 para. 10 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

11 In section 70 (restriction on promotion of Bills for changing local government areas), in subsections (1) and (3), after "joint authority" insert " , economic prosperity board, combined authority ".

Commencement Information
I189 Sch. 6 para. 11 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

12 In section 80(2)(b) (disqualifications for election and holding office as member of local authority), after "joint authority," insert " economic prosperity board, combined authority, ".

Commencement Information
I190 Sch. 6 para. 12 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

13 In section 85(4) (vacation of office by failure to attend meetings), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I191 Sch. 6 para. 13 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

14 In section 86(2) (declaration by local authority of vacancy in office), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I192 Sch. 6 para. 14 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

15 In section 92(7) (proceedings for disqualification)—

(a) after "includes a joint authority" insert " , an economic prosperity board and a combined authority ";

(b) after "in relation to a joint authority" insert " , an economic prosperity board or a combined authority ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I193 Sch. 6 para. 15 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

16 In section 98(1A) (interpretation of sections 95 and 97), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I194 Sch. 6 para. 16 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

17 In section 99 (meetings and proceedings of local authorities), after "joint authorities," insert " economic prosperity boards, combined authorities, ".

Commencement Information
I195 Sch. 6 para. 17 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

18 In section 100J (application of Part 5A to new authorities)—

(a) in subsection (1), after paragraph (bb) insert—

"(bc) an economic prosperity board;

(bd) a combined authority;";

(b) in subsection (2), in the words following paragraph (b), after "(bb)" insert " , (bc), (bd) ";

(c) in subsection (3), after "(bb)," insert " (bc), (bd), ";

(d) in subsection (4)(a), after "joint waste authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I196 Sch. 6 para. 18 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

19 In section 101(13) (arrangements for discharge of functions by local authorities), after "police authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I197 Sch. 6 para. 19 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

20 In section 142(1B) (provision of information etc relating to matters affecting local government), after "the Local Government Act 1985" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I198 Sch. 6 para. 20 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

21 (1) Section 146A (application of provisions of Part 7 to joint authorities etc) is amended as follows.

(2) In subsection (1), in the opening words—

(a) for "subsection (1A)" substitute " subsections (1ZA), (1ZB) and (1A) ";

(b) after "joint authority," insert " an economic prosperity board, a combined authority, ".

(3) After that subsection insert—

"(1ZA) In its application by virtue of subsection (1) to an economic prosperity board, section 111 has effect as if it did not permit the borrowing of money.

(1ZB) In its application by virtue of subsection (1) to a combined authority, section 111 has effect as if it permitted the borrowing of money for the purposes of the exercise by the authority of its transport functions only."

Commencement Information
I199 Sch. 6 para. 21 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

22 In section 175(3B) (allowances for attending conferences and meetings), after "joint waste authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I200 Sch. 6 para. 22 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

23 In section 176(3) (payment of expenses of official and courtesy visits), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I201 Sch. 6 para. 23 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

24 In section 223(2) (appearance of local authorities in legal proceedings), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I202 Sch. 6 para. 24 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

25 In section 224(2) (arrangements by principal councils for custody of documents), after "joint authority" insert " , economic prosperity board, combined authority ".

Commencement Information
I203 Sch. 6 para. 25 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

26 In section 225(3) (deposit of documents with proper officer of authority etc), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I204 Sch. 6 para. 26 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

27 In section 228(7A) (inspection of documents), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I205 Sch. 6 para. 27 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

28 In section 229(8) (photographic copies of documents), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I206 Sch. 6 para. 28 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

29 In section 230(2) (reports and returns), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I207 Sch. 6 para. 29 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

30 In section 231(4) (service of notices on local authorities), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I208 Sch. 6 para. 30 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

31 In section 232(1A) (public notices), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I209 Sch. 6 para. 31 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

32 In section 233(11) (service of notices by local authorities), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Commencement Information
I210 Sch. 6 para. 32 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

33 In section 234(4) (authentication of documents), after "joint authority," insert " an economic prosperity board, a combined authority, ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I211 Sch. 6 para. 33 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

34 In section 236(1) (procedure etc for byelaws), for "or an Integrated Transport Authority for an integrated transport area in England" substitute " , an Integrated Transport Authority for an integrated transport area in England or a combined authority ".

Commencement Information
I212 Sch. 6 para. 34 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

35 In section 236B(1) (power to revoke byelaws), after paragraph (d) insert ";

(e) a combined authority."

Commencement Information
I213 Sch. 6 para. 35 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

36 In section 238 (evidence of byelaws), in the opening words, for "or an Integrated Transport Authority for an integrated transport area in England" substitute " , an Integrated Transport Authority for an integrated transport area in England or a combined authority ".

Commencement Information
I214 Sch. 6 para. 36 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

37 In section 239(4A) (power to promote or oppose local or personal Bills), after "joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I215 Sch. 6 para. 37 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

38 In section 270(1) (general provisions as to interpretation), at the appropriate places insert—

""combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;";

" "economic prosperity board" means an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;".

Commencement Information
I216 Sch. 6 para. 38 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

39 In Schedule 12 (meetings and proceedings of local authorities), in paragraph 6A(1) (application of paragraph 1 to joint authorities), after "a joint authority" insert " , an economic prosperity board, a combined authority ".

Commencement Information
I217 Sch. 6 para. 39 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Employment Agencies Act 1973 (c. 35)

40 In section 13(7) of the Employment Agencies Act 1973 (interpretation: where Act does not apply), after paragraph (fza) insert—

"(fzb) the exercise by an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 of any of its functions;

(fzc) the exercise by a combined authority established under section 103 of that Act of any of its functions;".

Commencement Information
I218 Sch. 6 para. 40 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1974 (c. 7)

41 (1) The Local Government Act 1974 is amended as follows.

(2) In section 25(1) (authorities subject to investigation), after paragraph (cd) insert—

"(ce) any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(cf) any combined authority established under section 103 of that Act;".

(3) In section 26C (referral of complaints by authorities)—

(a) in subsection (6), after paragraph (d) insert—

"(e) in relation to an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a member of a constituent council of the board;

(f) in relation to a combined authority established under section 103 of that Act, a member of a constituent council of the authority.";

(b) after subsection (6) insert—

"(7) For the purposes of subsection (6)(e)—

(a) a county council is a constituent council of an economic prosperity board if the area of the county council, or part of that area, is within the area of the board;

(b) a district council is a constituent council of an economic prosperity board if the area of the district council is within the area of the board.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(8) For the purposes of subsection (6)(f)—

(a) a county council is a constituent council of a combined authority if the area of the county council, or part of that area, is within the area of the combined authority;

(b) a district council is a constituent council of a combined authority if the area of the district council is within the area of the combined authority."

Commencement Information

I219 Sch. 6 para. 41 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Health and Safety at Work etc Act 1974 (c. 37)

42 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information

I220 Sch. 6 para. 42 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

43 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation etc of Part 1), in the definition of "local authority"—

(a) in paragraph (a), after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ";

(b) in paragraph (c), after "(joint waste authorities)," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information

I221 Sch. 6 para. 43 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Race Relations Act 1976 (c. 74)

F182 44 . . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Textual Amendments

F182 Sch. 6 para. 44 repealed (4.4.2011) by Equality Act 2010 (c. 15), Sch. 27 Pt. 1A (as inserted by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(a), **Sch. 3**)

Rent (Agriculture) Act 1976 (c. 80)

45 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority, etc), after paragraph (bb) insert—

"(bbza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(bbzb) a combined authority established under section 103 of that Act;".

Commencement Information

I222 Sch. 6 para. 45 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Rent Act 1977 (c. 42)

46 In section 14(1) of the Rent Act 1977 (landlord's interest belonging to local authority, etc), after paragraph (cba) insert—

"(cbb) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(cbc) a combined authority established under section 103 of that Act;".

Commencement Information

I223 Sch. 6 para. 46 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Protection from Eviction Act 1977 (c. 43)

47 In section 3A(8) of the Protection from Eviction Act 1977 (excluded tenancies and licences), after paragraph (a) insert—

"(aa) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(ab) a combined authority established under section 103 of that Act;".

Commencement Information

I224 Sch. 6 para. 47 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Local Government, Planning and Land Act 1980 (c. 65)

48 The Local Government, Planning and Land Act 1980 is amended as follows.

Commencement Information
I225 Sch. 6 para. 48 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

49 In section 2(1) (duty of authorities to publish information), after paragraph (kaa) insert—

"(kab) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(kac) a combined authority established under section 103 of that Act;".

Commencement Information
I226 Sch. 6 para. 49 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

50 In section 98(8A) (disposal of land at direction of Secretary of State), after paragraph (e) insert—

"(eza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(ezb) a combined authority established under section 103 of that Act;".

Commencement Information
I227 Sch. 6 para. 50 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

51 In section 99(4) (directions to dispose of land - supplementary), after paragraph (db) insert—

"(dbza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(dbzb) a combined authority established under section 103 of that Act;".

Commencement Information
I228 Sch. 6 para. 51 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

52 In section 100(1)(a) (meaning of "subsidiary"), after "Local Government Act 1985" insert " , an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act ".

Commencement Information
I229 Sch. 6 para. 52 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

53 In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5B insert—

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"5BZA An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.

5BZB A combined authority established under section 103 of that Act."

Commencement Information
I230 Sch. 6 para. 53 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Public Passenger Vehicles Act 1981 (c. 14)

54 In section 4C(4)(e) of the Public Passenger Vehicles Act 1981 (power of senior traffic commissioner to give guidance and directions), after "Integrated Transport Authorities" insert " , of combined authorities ".

Commencement Information
I231 Sch. 6 para. 54 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Acquisition of Land Act 1981 (c. 67)

55 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land), in paragraph (a) of the definition of "local authority", after "Local Government Act 1985" insert " , a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I232 Sch. 6 para. 55 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

56 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

(2) In section 33(9) (enforceability by local authorities of certain covenants relating to land)—

(a) in paragraph (a), after "Local Government Act 1985" insert " , an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act ";

(b) in paragraph (b), after "joint authority" insert " , economic prosperity board, combined authority ".

(3) In section 41(13) (lost and uncollected property), in the definition of "local authority", after paragraph (e) insert—

"(eza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(ezb) a combined authority established under section 103 of that Act;".

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Commencement Information
I233 Sch. 6 para. 56 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Stock Transfer Act 1982 (c. 41)

57 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities), after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information
I234 Sch. 6 para. 57 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

County Courts Act 1984 (c. 28)

58 In section 60(3) of the County Courts Act 1984 (right of audience), in the definition of "local authority", after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information
I235 Sch. 6 para. 58 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1985 (c. 51)

59 The Local Government Act 1985 is amended as follows.

Commencement Information
I236 Sch. 6 para. 59 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

60 In section 72(5) (accounts and audit), after "the London Fire and Emergency Planning Authority" insert " and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009. "

Commencement Information
I237 Sch. 6 para. 60 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

61 (1) Section 73 (financial administration) is amended as follows.

(2) Before "Each new authority" insert " (1) ".

(3) After the subsection (1) so formed insert—

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"(2) The reference in this section to a new authority includes a reference to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I238 Sch. 6 para. 61 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Transport Act 1985 (c. 67)

62 The Transport Act 1985 is amended as follows.

Commencement Information
I239 Sch. 6 para. 62 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

63 In section 27A(7)(b) (additional powers where service not operated as registered), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Commencement Information
I240 Sch. 6 para. 63 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

64 In section 64(1)(a) (consultation with respect to policies as to services), after "Integrated Transport Authority," insert " combined authority, ".

Commencement Information
I241 Sch. 6 para. 64 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

65 In section 93(8)(b)(i) (travel concession schemes), after "integrated transport area" insert " and a combined authority ".

Commencement Information
I242 Sch. 6 para. 65 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

66 In section 106(4) (grants for transport facilities and services), after paragraph (a) insert—

"(aa) any combined authority;".

Commencement Information
I243 Sch. 6 para. 66 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

67 In section 137 (general interpretation), after subsection (5) insert—

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"(5A) References in this Act to a combined authority are references to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I244 Sch. 6 para. 67 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Housing Act 1985 (c. 68)

68 (1) Section 4 of the Housing Act 1985 (other descriptions of authority) is amended as follows.

(2) In subsection (1)(e), after "Local Government Act 1985," (in both places) insert " an economic prosperity board, a combined authority, ".

(3) For subsection (2) substitute—

"(2) In this section—

"combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

"economic prosperity board" means an economic prosperity board established under section 88 of that Act;

"joint waste authority" means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007."

Commencement Information
I245 Sch. 6 para. 68 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Housing Associations Act 1985 (c. 69)

69 In section 106 of the Housing Associations Act 1985 (minor definitions - general), in the definition of "local authority"—

(a) after "the Local Government Act 1985" insert " , an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act ";

(b) after "such a joint authority," insert " such an economic prosperity board, such a combined authority, ".

Commencement Information
I246 Sch. 6 para. 69 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Landlord and Tenant Act 1985 (c. 70)

70 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of "local authority", after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

Commencement Information
I247 Sch. 6 para. 70 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1986 (c. 10)

71 (1) The Local Government Act 1986 is amended as follows.

(2) In section 6(2)(a) (interpretation and application of Part 2), after the entry for "a joint authority established by Part 4 of the Local Government Act 1985," insert—

"an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,

a combined authority established under section 103 of that Act,".

(3) In section 9(1)(a) (interpretation and application of Part 3), after the entry for "a joint authority established by Part 4 of the Local Government Act 1985," insert—

"a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,".

Commencement Information
I248 Sch. 6 para. 71 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Landlord and Tenant Act 1987 (c. 31)

72 In section 58(1)(a) of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords), for the words from "or a joint authority" to the end substitute " a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act; ".

Commencement Information
I249 Sch. 6 para. 72 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1988 (c. 9)

73 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry for "An Integrated Transport Authority for an integrated transport area in England" insert—

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

"An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.

A combined authority established under section 103 of that Act."

Commencement Information
I250 Sch. 6 para. 73 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Finance Act 1988 (c. 41)

74 The Local Government Finance Act 1988 is amended as follows.

Commencement Information
I251 Sch. 6 para. 74 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

75 In section 74 (levies), after subsection (7) insert—

"(8) For the purposes of this section—

(a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 shall be treated as a levying body with respect to which regulations may be made under subsection (2), and

(b) the reference in that subsection to the council concerned shall be treated as a reference to the combined authority's constituent councils.

(9) For the purposes of subsection (8)—

(a) a county council is a constituent council of a combined authority if the area of the county council, or part of that area, is within the authority's area;

(b) a district council is a constituent council of a combined authority if the area of the district council is within the authority's area.

(10) Regulations under this section by virtue of subsection (8) may only make provision in relation to the expenses of a combined authority that are reasonably attributable to the exercise of its functions relating to transport."

Commencement Information
I252 Sch. 6 para. 75 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

76 In section 88B(9) (special grants), after paragraph (b) insert ";

(c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I253 Sch. 6 para. 76 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

77 In section 111(2) (authorities to which provisions about financial administration apply), after paragraph (i) insert—

"(ia) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,

(ib) a combined authority established under section 103 of that Act,".

Commencement Information

I254 Sch. 6 para. 77 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

78 In section 112(2) (authorities to which requirement to make arrangements for administration of financial affairs applies), after paragraph (b) insert ",

(c) any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information

I255 Sch. 6 para. 78 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Housing Act 1988 (c. 50)

79 (1) The Housing Act 1988 is amended as follows.

(2) In section 74(8) (transfer of land and other property to housing action trusts), after paragraph (f) insert—

"(fa) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(fb) a combined authority established under section 103 of that Act;".

(3) In paragraph 12(2) of Schedule 1 (local authority tenancies which cannot be assured tenancies), after paragraph (f) (and before the "and" following that paragraph) insert—

"(fa) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(fb) a combined authority established under section 103 of that Act;".

Commencement Information

I256 Sch. 6 para. 79 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Road Traffic Act 1988 (c. 52)

80 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), for the words from "or a joint authority" to the end substitute " , a joint authority (other than a police authority) established by Part 4 of the Local Government Act 1985, an economic prosperity board established under

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section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act, ".

Commencement Information
I257 Sch. 6 para. 80 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government and Housing Act 1989 (c. 42)

81 (1) The Local Government and Housing Act 1989 is amended as follows.

(2) In section 4(6)(a) (authorities to which provisions about designation and reports of head of paid service apply), after "paragraphs (a) to (e)" insert " , (ja) and (jb) ".

(3) In section 13(9) (voting rights of members of certain committees), in the definition of "relevant authority", for "(j)" substitute " (jb) ".

(4) In section 20(4)(a) (authorities to which duty to adopt certain procedural standing orders applies), for "(j)" substitute " (jb) ".

(5) In section 21(1) (authorities to which provisions about local authority members, officers, staff and committees apply), after paragraph (j) insert—

"(ja) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(jb) a combined authority established under section 103 of that Act".

(6) In section 152(2) (interpretation of sections 150 and 151), after paragraph (i) insert—

"(iza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(izb) a combined authority established under section 103 of that Act;".

(7) In section 157(6) (commutation of, and interest on, periodic payments of grants etc), after paragraph (i) insert—

"(j) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009; and

(k) a combined authority established under section 103 of that Act;".

(8) In Schedule 1 (authorities to which provisions about political balance on local authority committees etc apply)—

(a) in paragraph 2(1)(a), for "(j)" substitute " (jb) ",

(b) in paragraph 4(1), in paragraph (a) of the definition of "relevant authority", for "(j)" substitute " (jb) ".

Commencement Information
I258 Sch. 6 para. 81 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Town and Country Planning Act 1990 (c. 8)

82 (1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 252(12) (procedure for making of orders), in the definition of "local authority", after "Local Government Act 1985," insert " an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, ".

(3) In paragraph 1(3) of Schedule 14 (procedure for footpaths and bridleways orders), in the definition of "council", for the words from "or a joint authority" to the end substitute " a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act; ".

Commencement Information
I259 Sch. 6 para. 82 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government (Overseas Assistance) Act 1993 (c. 25)

83 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (d) insert—

"(dza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(dzb) a combined authority established under section 103 of that Act;".

Commencement Information
I260 Sch. 6 para. 83 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Railways Act 1993 (c. 43)

84 The Railways Act 1993 is amended as follows.

Commencement Information
I261 Sch. 6 para. 84 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

85 In section 25(1) (public sector operators not to be franchisees)—

(a) after paragraph (c) insert—

"(ca) any combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;";

(b) in paragraph (d), for "or an Integrated Transport Authority for an integrated transport area in England" substitute " , an Integrated Transport Authority for an integrated transport area in England or a combined authority ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
***Changes to legislation:** Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I262 Sch. 6 para. 85 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

86 In section 149(5) (service of documents), in the definition of "local authority", after "in England" insert " and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 ".

Commencement Information
I263 Sch. 6 para. 86 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Deregulation and Contracting Out Act 1994 (c. 40)

87 In section 79A of the Deregulation and Contracting Out Act 1994 ("Local authority": England), after paragraph (m) insert—

"(ma) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(mb) a combined authority established under section 103 of that Act;".

Commencement Information
I264 Sch. 6 para. 87 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

88 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants for grants), after paragraph (ja) (and before the "or" following that paragraph) insert—

"(jb) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(jc) a combined authority established under section 103 of that Act;".

Commencement Information
I265 Sch. 6 para. 88 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Audit Commission Act 1998 (c. 18)

F183 89 . . . . . .

Textual Amendments
F183 Sch. 6 para. 89 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

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Crime and Disorder Act 1998 (c. 37)

90 In section 17(2) of the Crime and Disorder Act 1998 (duty to consider crime and disorder implications), after the entry for "a joint authority" insert—

"a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;".

Commencement Information
I266 Sch. 6 para. 90 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 1999 (c. 27)

91 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (h) insert—

"(ha) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(hb) a combined authority established under section 103 of that Act;".

Commencement Information
I267 Sch. 6 para. 91 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Greater London Authority Act 1999 (c. 29)

92 In section 211(1) of the Greater London Authority Act 1999 (public sector operators for the purposes of Chapter 7 of Part 4 of that Act)—

(a) after paragraph (c) insert—

"(ca) any combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;";

(b) in paragraph (d), for "or an Integrated Transport Authority for an integrated transport area in England" substitute " , an Integrated Transport Authority for an integrated transport area in England or a combined authority ".

Commencement Information
I268 Sch. 6 para. 92 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government Act 2000 (c. 22)

F184 93 . . . . . .

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F184 Sch. 6 para. 93 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

Freedom of Information Act 2000 (c. 36)

94 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 2 (local government: England and Wales), after paragraph 19 insert—

"19A An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.

19B A combined authority established under section 103 of that Act."

Commencement Information

I269 Sch. 6 para. 94 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Transport Act 2000 (c. 38)

95 The Transport Act 2000 is amended as follows.

Commencement Information

I270 Sch. 6 para. 95 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

96 In section 108(4) (meaning of "local transport authority" for purposes of Part 2 of that Act), after paragraph (c) (and before the "or" following that paragraph) insert—

"(ca) a combined authority,".

Commencement Information

I271 Sch. 6 para. 96 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

97 (1) Section 109 (further provision about plans: England) is amended as follows.

(2) In subsection (2A), after "Integrated Transport Authority" insert " or a combined authority ".

(3) In subsection (2B)—

(a) in the opening words, after "Integrated Transport Authority" insert " or a combined authority ";

(b) in paragraph (a), after "Integrated Transport Authority" insert " or (as the case may be) the area of the combined authority ";

(c) in paragraph (c), after "Integrated Transport Authority" insert " or (as the case may be) the area of the combined authority ".

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Commencement Information
I272 Sch. 6 para. 97 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

98 (1) Section 113 (role of metropolitan district councils) is amended as follows.

(2) In subsection (2), after "integrated transport area" insert " or a combined authority for an area ".

(3) In subsection (2A), after "Integrated Transport Authority" in each place insert " or (as the case may be) the combined authority ".

Commencement Information
I273 Sch. 6 para. 98 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

99 (1) Section 124 (quality contracts schemes) is amended as follows.

(2) In subsection (1A)—

(a) in the opening words, after "Integrated Transport Authority" in each place insert " or combined authority ";

(b) in paragraph (c), after "Integrated Transport Authority" insert " or the combined authority ".

(3) In subsection (1B)(a)—

(a) after "Integrated Transport Authority" insert " or combined authority ";

(b) after "Integrated Transport Authorities" insert " or combined authorities ".

(4) In subsection (11)—

(a) after "Integrated Transport Authority", in each place, insert " or combined authority ";

(b) in paragraph (b)(ii), after "Integrated Transport Authorities" insert " or combined authorities ".

Commencement Information
I274 Sch. 6 para. 99 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

100 (1) Section 157 (grants) is amended as follows.

(2) After subsection (1) insert—

"(1A) The Secretary of State may, with the approval of the Treasury, make grants to a combined authority for the purpose of enabling the authority to carry out any of their functions."

(3) In the heading, after "Authorities" insert " and combined authorities ".

Commencement Information
I275 Sch. 6 para. 100 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

101 In section 162 (interpretation of Part 2), after subsection (5) insert—

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"(5A) In this Part "combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I276 Sch. 6 para. 101 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

102 (1) Section 163 (charging schemes: preliminary) is amended as follows.

(2) In subsection (3), in each of paragraphs (bb) and (cc), after "Integrated Transport Authority" insert " or combined authority ".

(3) In subsection (4A), after "integrated transport area" insert " or combined authority ".

(4) After subsection (5) insert—

"(5A) In this Part "combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009."

Commencement Information
I277 Sch. 6 para. 102 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

103 (1) Section 164 (local charging schemes) is amended as follows.

(2) In subsection (2), after "integrated transport area" insert " or the area of a combined authority ".

(3) In subsection (3)—

(a) in the opening words, after "integrated transport area" insert " or the area of a combined authority ";

(b) in paragraph (b), after "integrated transport area" insert " or (as the case may be) the combined authority ".

Commencement Information
I278 Sch. 6 para. 103 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

104 (1) Section 165 (joint local charging schemes) is amended as follows.

(2) In subsection (2), after "integrated transport area" insert " or the area of a combined authority ".

(3) In subsection (3)—

(a) in the opening words, after "integrated transport area" insert " or the area of a combined authority ";

(b) in paragraph (b), after "integrated transport area" insert " or (as the case may be) the combined authority. "

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Commencement Information
I279 Sch. 6 para. 104 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

105 In section 165A(1)(b) (joint local-ITA charging schemes), after "Integrated Transport Authority" insert " or (as the case may be) the area of the combined authority. "

Commencement Information
I280 Sch. 6 para. 105 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

106 (1) Section 166 (joint local-London charging schemes) is amended as follows.

(2) In subsection (2), after "integrated transport area" insert " or the area of a combined authority ".

(3) In subsection (3)—

(a) in the opening words, after "integrated transport area" insert " or the area of a combined authority ";

(b) after paragraph (b) (and before the "and" following that paragraph) insert " or (as the case may be) the combined authority ".

Commencement Information
I281 Sch. 6 para. 106 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

107 (1) Section 166A (joint ITA-London charging schemes) is amended as follows.

(2) In subsection (1)(b), after "Integrated Transport Authority" insert " or (as the case may be) the area of the combined authority. "

(3) In subsection (3)(b), after "Integrated Transport Authority" insert " or combined authority ".

Commencement Information
I282 Sch. 6 para. 107 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

108 In section 167(2)(b) (trunk road charging schemes), after "Integrated Transport Authority" insert " , a combined authority ".

Commencement Information
I283 Sch. 6 para. 108 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

109 In section 168(2) (charging schemes to be made by order)—

(a) after "Integrated Transport Authority" insert " , a combined authority ";

(b) for "or the Integrated Transport Authority" substitute " , the Integrated Transport Authority or the combined authority ".

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Commencement Information
I284 Sch. 6 para. 109 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

110 (1) Section 170 (charging schemes: consultation and inquiries) is amended as follows.

(2) In subsection (1A)(b), after "Integrated Transport Authority" insert " or a combined authority ".

(3) In subsection (7)(a), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Commencement Information
I285 Sch. 6 para. 110 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

111 In section 177A(1) (power to require information), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Commencement Information
I286 Sch. 6 para. 111 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

112 In section 193(1) (guidance), after "Integrated Transport Authorities" insert " , combined authorities ".

Commencement Information
I287 Sch. 6 para. 112 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

113 In section 194 (information), in each of subsections (1), (2) and (6) for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Commencement Information
I288 Sch. 6 para. 113 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

114 In section 198(1) (interpretation of Part 3), at the appropriate place insert—

""combined authority" has the meaning given by section 163(5A),".

Commencement Information
I289 Sch. 6 para. 114 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

115 (1) Schedule 12 (road user charging and workplace parking levy: financial powers) is amended as follows.

(2) In paragraph 2(4), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

(3) In paragraph 3(2), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

(4) In paragraph 7(5)(c), after "Integrated Transport Authority" insert " or combined authority ".

(5) In paragraph 8—

(a) in sub-paragraph (3)(aa), after "Integrated Transport Authorities" insert " and combined authorities ";

(b) in sub-paragraph (4)(aa) after "Integrated Transport Authority" insert " or combined authority ".

(6) In paragraph 11A—

(a) in sub-paragraph (1), after "Integrated Transport Authority's" insert "or combined authority's";

(b) in sub-paragraph (4), for "integrated transport area of the Authority" substitute " integrated transport area of the Integrated Transport Authority or (as the case may be) the area of the combined authority ".

(7) In paragraph 11B(1), after "Integrated Transport Authority" insert " or a combined authority ".

(8) In paragraph 11C, in each of sub-paragraphs (1) and (3), after "Integrated Transport Authority" insert " or a combined authority ".

Commencement Information

I290 Sch. 6 para. 115 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Police Reform Act 2002 (c. 30)

F185 116 . . . . . .

Textual Amendments

F185 Sch. 6 para. 116 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 25**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

Local Government Act 2003 (c. 26)

117 (1) The Local Government Act 2003 is amended as follows.

(2) In section 23 (authorities to which provisions about capital finance and accounts apply), after subsection (3) insert—

"(4) This Part, other than sections 1 to 8, 13 and 17 (borrowing etc), applies in relation to an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 as it applies in relation to a local authority.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
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(5) This Part applies in relation to a combined authority established under section 103 of that Act as it applies in relation to a local authority, except that section 1 confers power on such a combined authority to borrow money for a purpose relevant to its transport functions only."

(3) In section 33(1) (authorities to which provisions about expenditure grant apply), after paragraph (ja) insert—

"(jb) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(jc) a combined authority established under section 103 of that Act;".

Commencement Information
I291 Sch. 6 para. 117 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Courts Act 2003 (c. 39)

118 In section 41(6) of the Courts Act 2003 (disqualification of lay justices who are members of local authorities), after paragraph (e) insert—

"(ea) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,

(eb) a combined authority established under section 103 of that Act,".

Commencement Information
I292 Sch. 6 para. 118 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Railways Act 2005 (c. 14)

119 In section 33(2) of the Railways Act 2005 (persons on whom closure requirements may be imposed), after paragraph (d) insert—

"(da) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;".

Commencement Information
I293 Sch. 6 para. 119 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Concessionary Bus Travel Act 2007 (c. 13)

120 In section 9(6)(b) of the Concessionary Bus Travel Act 2007 (variation of reimbursement and other administrative arrangements), for "or Integrated Transport Authority" substitute " , Integrated Transport Authority or combined authority ".

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Commencement Information
I294 Sch. 6 para. 120 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Government and Public Involvement in Health Act 2007 (c. 28)

121 (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.

(2) In section 23(1) (definitions for purposes of Chapter 1), in the definition of "public body", after paragraph (e) insert—

"(f) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(g) a combined authority established under section 103 of that Act;".

(3) In section 104(2) (application of Chapter 1 of Part 5: partner authorities), after paragraph (i) insert—

"(ia) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

(ib) a combined authority established under section 103 of that Act;".

Commencement Information
I295 Sch. 6 para. 121 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Local Transport Act 2008 (c. 26)

122 The Local Transport Act 2008 is amended as follows.

Commencement Information
I296 Sch. 6 para. 122 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

123 In section 79(1)(b) (provision that may be made in an order under section 78) for "or 88" substitute " , 88 or 89A ".

Commencement Information
I297 Sch. 6 para. 123 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

124 In section 86(3) (delegation of functions of the Secretary of State), after "section 90 or 91" insert " of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009. "

Commencement Information
I298 Sch. 6 para. 124 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

125 In section 87(5) (delegation of local authority functions), after "section 90 or 91" insert " of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009. "

Commencement Information
I299 Sch. 6 para. 125 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

126 In section 88(1)(b) (conferral of a power to direct), after "section 90 or 91" insert " of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009. "

Commencement Information
I300 Sch. 6 para. 126 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

127 After section 89 insert—

"**89A Transfer of functions of combined authority**

(1) The Secretary of State may by order transfer functions of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 to an ITA.

(2) An order under this section may only be made in relation to functions that—
(a) relate to transport, and
(b) are exercisable by the combined authority in relation to an area that becomes, or becomes part of, the ITA's integrated transport area by virtue of an order under this Part."

Commencement Information
I301 Sch. 6 para. 127 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

128 In section 90 (changing the boundaries of an integrated transport area) after subsection (4) insert—

"(5) The reference in subsection (3)(a) to an authority does not include a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

(6) Subsection (3) does not apply if the territory becomes part of the area of a combined authority by virtue of an order under section 103 or 106 of that Act."

Commencement Information
I302 Sch. 6 para. 128 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

129 In section 91 (dissolution of an integrated transport area), after subsection (3) insert—

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"(4) The reference in subsection (2)(a) to an authority does not include a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

(5) Subsection (2) does not apply to a territory or part of a territory that becomes the area or part of the area of a combined authority by virtue of an order under section 103 or 106 of that Act."

Commencement Information
I303 Sch. 6 para. 129 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

130 After section 102 insert—

"**102A Application of Chapter to combined authorities**

(1) This Chapter applies to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 as it applies to an ITA.

(2) In the application of this Chapter to a combined authority, references to an integrated transport area are to the combined authority's area."

Commencement Information
I304 Sch. 6 para. 130 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(c)**

SCHEDULE 7

Section 146

REPEALS

PART 1

POLITICALLY RESTRICTED POSTS

Commencement Information
I305 Sch. 7 Pt. 1 in force at 12.1.2010, see ss. 146(3)(a), 148(1)(d)

Short title and chapter	*Extent of repeal*
Local Government and Housing Act 1989 (c. 42)	In section 2(2)— (a) paragraphs (a) and (b); (b) in paragraph (c), "not falling within paragraph (a) or (b) above". In section 3(3)— (a) in paragraph (a), "and";

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	(b) paragraph (b); (c) the words from "and it shall" to the end.
	In section 3A(2)— (a) in paragraph (a), the word "and"; (b) paragraph (b); (c) the words from "and the relevant" to the end.

PROSPECTIVE

PART 2

AUDIT OF ENTITIES CONNECTED WITH LOCAL AUTHORITIES

Short title and chapter	*Extent of repeal*
Audit Commission Act 1998 (c. 18)	Section 31.

PART 3

LOCAL GOVERNMENT BOUNDARY AND ELECTORAL CHANGE

Commencement Information
I306 Sch. 7 Pt. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(hh)**

Short title and chapter	*Extent of repeal*
Local Government Act 1972 (c. 70)	In Schedule 11— (a) paragraphs 1 and 3; (b) in paragraph 4(1), "by either of the Commissions".
Local Government Act 1992 (c. 19)	Section 12.
	Sections 13 to 17.
	Section 19.
	Sections 25 and 26.
	Section 27(2) and (3).
	In section 28— (a) in subsection (1), the definition of "the Local Government Commission"; (b) subsection (3).
	Schedule 2.
Access to Justice Act 1999 (c. 22)	In Schedule 11, paragraph 38.

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Greater London Authority Act 1999 (c. 29)	In Schedule 1, Part 2.
Local Government Act 2000 (c. 22)	Section 89(2) and 3.
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entry relating to the Local Government Commission for England.
Political Parties, Elections and Referendums Act 2000 (c. 41)	Section 14. Section 15. Sections 16 and 17. Section 18. Sections 19 and 20. In section 156— (a) in subsection (3)(a), "section 16(3) or"; (b) subsection (4)(a). In Schedule 1— (a) paragraph 6; (b) in paragraph 7(1), "or a Boundary Committee"; (c) in paragraph 8(1), "(in addition to the Boundary Committees)"; (d) paragraph 9(2); (e) in paragraph 10(1), "(whether established under paragraph 8 or section 14)"; (f) in paragraph 12(b) "(whether established under paragraph 8 or section 14)"; (g) in paragraph 24(b), "or a Boundary Committee". In Schedule 3, Part 1. In Schedule 21, paragraphs 9 and 10. In Schedule 22, the entries relating to the Parliamentary Constituencies Act 1986 (c. 56) and the Boundary Commissions Act 1992 (c. 55).
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 11(4)(d). Section 12(6). In section 23(1), the definition of "the Boundary Committee". Sections 55 to 57.

PART 4

REGIONAL STRATEGY

Commencement Information
I307 Sch. 7 Pt. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(ii)**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Short title and chapter	***Extent of repeal***
Coroners Act 1988 (c. 13)	In section 1(1A)(e), ", section 17 of the Regional Assemblies (Preparations) Act 2003".
Local Government Finance Act 1988 (c. 41)	In section 74(2A), ", section 17 of the Regional Assemblies (Preparations) Act 2003".
	In section 89(2A), "or section 17 of the Regional Assemblies (Preparations) Act 2003".
	In section 91(1)(aa), ", section 17 of the Regional Assemblies (Preparations) Act 2003".
Regional Development Agencies Act 1998 (c. 45)	Section 8.
	Section 11(4A).
	Section 18(1) and (1A).
	In Schedule 2, paragraph 7(1A).
Greater London Authority Act 1999 (c. 29)	Section 306(1).
Regional Assemblies (Preparations) Act 2003 (c. 10)	The whole Act.
Planning and Compulsory Purchase Act 2004 (c. 5)	Sections 1 to 12.
	Section 24(2), (3), (6), (8) and (9).
	Section 39(1)(a).
Fire and Rescue Services Act 2004 (c. 21)	In sections 2(9)(c) and (10)(a) and 4(7)(b), "section 17 of the Regional Assemblies (Preparations) Act 2003 or".
Local Government and Public Involvement in Health Act 2007 (c. 28)	In Schedule 1, paragraph 21.
Statistics and Registration Service Act 2007 (c. 18)	In Schedule 3, paragraph 14.
Housing and Regeneration Act 2008 (c. 17)	Section 16.
Planning Act 2008 (c. 29)	Section 179.
	Section 181.

PART 5

CONSTRUCTION CONTRACTS

Commencement Information
I308 Sch. 7 Pt. 5 in force at 1.11.2011 for S. by S.S.I. 2011/337, **art. 2**

Status: *Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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)*

Short title and chapter	***Extent of repeal***
Housing Grants, Construction and Regeneration Act 1996 (c. 53)	Section 106(1)(b) and the preceding "or". Section 107. In section 110— (a) subsection (2); (b) in subsection (3), "or (2)".

Status:
Point in time view as at 02/11/2018. This version of this Act contains provisions that are prospective.

Changes to legislation:
Local Democracy, Economic Development and Construction Act 2009 is up to date with all changes known to be in force on or before 26 April 2024. 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.