



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 2

LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

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

Status: This is the original version (as it was originally enacted).

- (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.

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;
 - (k) a police authority;
 - (l) a fire and rescue authority not falling within paragraphs (a) to (h);
 - (m) a joint waste authority established under section 207(1) of the [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#);
 - (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;
 - (q) the London Development Agency;

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