



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

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.
- (2) An order under this section may include provision amending, applying (with or without modifications), disapplying, repealing or revoking any enactment, whenever passed or made.
- (3) The provision that may be included by virtue of subsection (2) 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).

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 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,

Status: This is the original version (as it was originally enacted).

- (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;
 - (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.

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.
- (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.

117 Orders

- (1) Orders under this Part must be made by statutory instrument.

- (2) Subject to subsection (3), a statutory instrument containing an order under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing only an order under section 116 that amends or revokes provision contained in an instrument subject to annulment by resolution of either House of Parliament is subject to annulment by such resolution.
- (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.

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.

119 Amendments relating to EPBs and combined authorities

Schedule 6 (amendments relating to EPBs and combined authorities) is part of this Part.

120 Interpretation

In this Part—

- “combined authority” means an authority established under section 103(1);
- “EPB” has the meaning given by section 88(1);
- “ITA” has the meaning given by section 104(1);
- “local government area” has the meaning given by section 88(7);
- “unitary district council” has the meaning given by section 90(4).