



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Requirements in connection with orders about EPBs

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.

[^{F1}(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

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- (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.

Textual Amendments

- F1** [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\(2\)](#)
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Commencement Information

- I1** S. 99 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 16](#)