



# 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:—

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### Modifications etc. (not altering text)

- C1 Act applied (with modifications) (E.) (10.5.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(4), 35(1)(2), **Sch. 5 para. 16**
- C2 Act applied (with modifications) (21.3.2024) by [The South Yorkshire Mayoral Combined Authority \(Election of Mayor and Transfer of Police and Crime Commissioner Functions\) Order 2024 \(S.I. 2024/414\)](#), arts. 1(2), 5, **Sch. 1 para. 16**

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## **PART 1**

### **DEMOCRACY AND INVOLVEMENT**

#### **CHAPTER 3**

##### **INVOLVEMENT IN FUNCTIONS OF PUBLIC AUTHORITIES**

[<sup>F3</sup>(da) the Office for Nuclear Regulation;]

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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**

**I94** 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**

**I95** 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**

**I96** 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**

**I97** 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.
- [<sup>F226</sup>(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**

**F226** 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**

**I98** 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

**I99** 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

**I100** 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**

**I101** 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**

**I102** 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**

**I103** 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**

**I104** 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 [<sup>F227</sup> 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.
- [<sup>F228</sup>(1A) The Speaker's Committee may require the Commission to submit a plan under subparagraph (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 subparagraph.]
- (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**

**F227** 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\(c\)](#)

**F228** 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**

**I105** Sch. 1 para. 12 in force at 1.4.2010 by [S.I. 2009/3318, art. 4\(dd\)](#)

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*[<sup>F229</sup>Examination] by Comptroller and Auditor General*

**Textual Amendments**

**F229** 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) [<sup>F230</sup>For 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 [<sup>F231</sup>before 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**

**F230** 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\(c\)](#)

**F231** 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**

**I106** 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**

**I107** 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**

**I108** 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**

**I109** 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**

**I110** 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**

**I111** 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**

**I112** 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**

**I113** 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**

**I114** 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**

**I115** 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**

**I116** Sch. 1 para. 23 in force at 1.4.2010 by [S.I. 2009/3318](#), **art. 4(dd)**

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### 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

**I117** 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)

**C24** 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

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- (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**

**I118** 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)—



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- (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

**I119** 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

**I120** Sch. 2 para. 3 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(ee\)](#)

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### *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**

**I121** 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);

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“electoral area”, in relation to a principal council, means an area for which one or more members of the council are elected.

#### Commencement Information

I122 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;

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- (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).

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## 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**

**I123** 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**

**I124** 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**

**I125** 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**

**I126** 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**

**I127** Sch. 4 para. 5 in force at 1.4.2010 by [S.I. 2009/3318](#), **art. 4(ff)**

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- 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**

**I128** 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**

**I129** 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**

**I130** 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**

**I131** 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.

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- (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.

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- 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**

**I132** 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**

**I133** 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.



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- (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**

**I134** 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**

**I135** 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**

**I136** 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.

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- (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

**I137** 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

**I138** 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

**I139** Sch. 4 para. 17 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(ff\)](#)

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- 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**

**I140** 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**

**I141** 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**

**I142** 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**

**I143** 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 ”.

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#### Commencement Information

**I144** 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

**I145** 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

**I146** 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.”

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**Commencement Information**

**I147** 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**

**I148** 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**

**I149** 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**

**I150** 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 ”.

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#### Commencement Information

**I151** 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

**I152** 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

**I153** 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

**I154** 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

**I155** Sch. 4 para. 33 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(ff\)](#)

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- 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**

**I156** 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**

**I157** 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**

**I158** 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”.

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(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**

**I159** 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**

**I160** 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**

**I161** Sch. 5 para. 5 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(gg\)](#)

F232<sub>6</sub> .....

**Textual Amendments**

**F232** 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**

**I162** 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).



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**Commencement Information**

**I163** 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**

**I164** 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**

**I165** 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**

**I166** 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**

**I167** 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**

**I168** 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**

**I169** Sch. 5 para. 14 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(gg\)](#)

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- 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**

**I170** 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**

**I171** 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**

**I172** 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**

**I173** 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 ”.

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- (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

**1174** Sch. 5 para. 19 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(gg\)](#)

## [<sup>F233</sup>SCHEDULE 5A

### COMBINED AUTHORITIES: OVERVIEW AND SCRUTINY COMMITTEES AND AUDIT COMMITTEES

#### Textual Amendments

**F233** 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)

**C25** 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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- (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.

**Modifications etc. (not altering text)**

- C26** Sch. 5A para. 1(3) applied (with modifications) by S.I. 2017/469, Sch. 1 para. 4 (as inserted (26.6.2020) by [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) \(Amendment\) Order 2020](#) (S.I. 2020/641), arts. 1, 9)
- C27** Sch. 5A para. 1(3) applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023](#) (S.I. 2023/1432), arts. 1(2), 46(2), [Sch. 7 para. 7](#)

*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).

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- (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).
- (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;  
[ about the payment of allowances to members of such a committee who are members of a constituent council;]
  - <sup>F234</sup>(aa) (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;

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- (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.
- (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.

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#### Textual Amendments

**F234** Sch. 5A para. 3(2)(aa) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. [70\(1\)\(a\)](#), [255\(2\)\(j\)](#) (with s. 247)

#### *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
  - (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;
  - <sup>F235</sup>(c) [ the payment of allowances to members of the committee who are members of a constituent council (within the meaning of paragraph 3).]
- (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).]

#### Textual Amendments

**F235** Sch. 5A para. 4(3)(c) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. [70\(1\)\(b\)](#), [255\(2\)\(j\)](#) (with s. 247)

### [<sup>F236</sup>SCHEDULE 5B

#### MAYORS FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION ABOUT ELECTIONS

#### Textual Amendments

**F236** 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.

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### *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 <sup>F237</sup> ... 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
  - (d) as to the filling of vacancies in the office of a mayor.

#### **Textual Amendments**

**F237** Words in *Sch. 5B para. 3* omitted (8.12.2021) by virtue of *The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265)*, art. 1(2), **Sch. 2 para. 21(4)** (with art. 12)

#### **Modifications etc. (not altering text)**

**C28** *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)

**C29** *Sch. 5B para. 3*: functions cease to be exercisable concurrently (8.12.2021) by *The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265)*, arts. 1(2), 9, **Sch. 1(l)** (with arts. 11, 12)

### *Voting at elections of mayors*

- 4 <sup>F238</sup>(1) Each person entitled to vote as an elector at an election for the return of a mayor is to have one vote which may be given for a candidate to be the mayor.]
- (2) The mayor is to be returned under the simple majority system<sup>F239</sup> ....
- <sup>F240</sup>(3) .....



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**Textual Amendments**

- F238** Sch. 5B para. 4(1) substituted (26.10.2022) by Elections Act 2022 (c. 37), ss. 13(13)(a), 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)
- F239** Words in Sch. 5B para. 4(2) substituted (26.10.2022) by Elections Act 2022 (c. 37), ss. 13(13)(b), 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)
- F240** Sch. 5B para. 4(3) omitted (26.10.2022) by virtue of Elections Act 2022 (c. 37), ss. 13(13)(c), 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)

**F241** 5 .....

**Textual Amendments**

- F241** Sch. 5B para. 5 omitted (26.10.2022) by virtue of Elections Act 2022 (c. 37), ss. 13(14), 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)

*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 [<sup>F242</sup>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.

**Textual Amendments**

- F242** Word in Sch. 5B para. 6(2) substituted (26.10.2022) by Elections Act 2022 (c. 37), ss. 13(15), 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)

*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,

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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.

#### *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;

[<sup>F243</sup>“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;]

[<sup>F243</sup>“qualifying citizen” means a person who is—

  - (a) a qualifying Commonwealth citizen (within the meaning given by section 79 of the Local Government Act 1972),
  - (b) a citizen of the Republic of Ireland,
  - (c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or
  - (d) an EU citizen with retained rights (within the meaning given by section 203B of that Act).]

“relevant day” means—

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- (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.

#### Textual Amendments

**F243** Words in Sch. 5B para. 8(3) substituted (1.11.2023 for specified purposes) by Elections Act 2022 (c. 37), s. 67(1), Sch. 8 para. 5; S.I. 2023/1145, reg. 3(i)(iii)

- 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).
  - [ is incapable of being elected to or holding—
    - <sup>F244</sup>(e) (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
    - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).]
- (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
  - (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.

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### Textual Amendments

**F244** Sch. 5B para. 9(1)(e) inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 5 para. 6**; S.I. 2023/1145, **reg. 3(g)** (with Sch. para. 9(2)(4))

### Modifications etc. (not altering text)

**C30** 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)**

**C31** Sch. 5B para. 9(1)(a) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 16(2)**

- [<sup>F245</sup>9A (1) A person is disqualified for being elected or holding office as the mayor for the area of a combined authority if the person is subject to—
- (a) any relevant notification requirements, or
  - (b) a relevant order.
- (2) In this paragraph “relevant notification requirements” mean—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
  - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
  - (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).
- (3) In this paragraph “relevant order” means—
- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
  - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
  - (c) a sexual offences prevention order under section 104 of that Act;
  - (d) a sexual risk order under section 122A of that Act;
  - (e) a risk of sexual harm order under section 123 of that Act;
  - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
  - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
  - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
  - (i) a child protection order under Article 11 of that Law;
  - (j) a sexual offences prevention order under section 18 of that Law;
  - (k) a risk of sexual harm order under section 22 of that Law;
  - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
  - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of sub-paragraph (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or

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- (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of sub-paragraph (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
  - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.]

#### Textual Amendments

**F245** Sch. 5B para. 9A inserted (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 2(2), 6(2)** (with s. 5)

#### Modifications etc. (not altering text)

**C32** Sch. 5B para. 9A: power to amend conferred (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), **ss. 4(1)(2)(b), 6(2)** (with s. 5)

- 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 <sup>F246</sup>... 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

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- 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 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 <sup>F247</sup>... must consult the Electoral Commission.
- (5) In addition, the power of the Secretary of State <sup>F248</sup>... 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 [<sup>F249</sup>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

- F246** Words in Sch. 5B para. 12(1) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 21(4)** (with art. 12)
- F247** Words in Sch. 5B para. 12(4) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 21(4)** (with art. 12)
- F248** Words in Sch. 5B para. 12(5) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 21(4)** (with art. 12)
- F249** 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)

- C33** 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)
- C34** Sch. 5B para. 12: functions cease to be exercisable concurrently (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), arts. 1(2), 9, **Sch. 1(l)** (with arts. 11, 12)

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## [F250] SCHEDULE 5C

### MAYORS FOR COMBINED AUTHORITY AREAS: PCC FUNCTIONS

#### Textual Amendments

**F250** 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, 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.

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- (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—
  - (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.



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(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.

[<sup>F251</sup>5A The Secretary of State may by order make provision about the payment of allowances to members of a police and crime panel established by virtue of an order under paragraph 4 who are members of a constituent council (within the meaning of paragraph 3 of Schedule 5A).]

#### Textual Amendments

**F251** Sch. 5C para. 5A inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 70(2), 255(2)(j) (with s. 247)

#### *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.

#### *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 [<sup>F252</sup>, 9 and 9A] of Schedule 5B.

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### Textual Amendments

**F252** Words in [Sch. 5C para. 9](#) substituted (28.6.2022) by [Local Government \(Disqualification\) Act 2022 \(c. 17\)](#), [ss. 2\(3\), 6\(2\)](#) (with [s. 5](#))

### *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.
- (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

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- (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**

**I175** Sch. 6 para. 1 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

#### *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**

**I176** 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.

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- (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**

**I177** 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**

**I178** 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, ”.

**Commencement Information**

**I179** 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;”.

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**Commencement Information**

**I180** 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**

**I181** 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**

**I182** 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,”.

**Commencement Information**

**I183** 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.

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**Commencement Information**

**I184** 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**

**I185** 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**

**I186** 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**

**I187** 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**

**I188** 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”.

**Commencement Information**

**I189** 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,”.

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**Commencement Information**

**I190** 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**

**I191** 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**

**I192** 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**

**I193** 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**

**I194** Sch. 6 para. 20 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(c)**

- 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—

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“(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**

**I195** 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**

**I196** 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**

**I197** 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**

**I198** 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**

**I199** 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”.

**Commencement Information**

**I200** 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”.



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**I201** 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**

**I202** 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**

**I203** 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**

**I204** 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**

**I205** 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**

**I206** 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, ”.

**Commencement Information**

**I207** 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 ”.

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**Commencement Information**

**I208** 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**

**I209** 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**

**I210** 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**

**I211** 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**

**I212** Sch. 6 para. 38 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

- 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**

**I213** Sch. 6 para. 39 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

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*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**

**I214** 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.
    - (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.”

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#### Commencement Information

**I215** 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

**I216** 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

**I217** Sch. 6 para. 43 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(c)**

#### *Race Relations Act 1976 (c. 74)*

<sup>F253</sup>44 .....

#### Textual Amendments

**F253** 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—

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- “(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**

**I218** 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**

**I219** 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**

**I220** Sch. 6 para. 47 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

*Local Government, Planning and Land Act 1980 (c. 65)*

- 48 The Local Government, Planning and Land Act 1980 is amended as follows.

**Commencement Information**

**I221** 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;”.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Democracy, Economic Development and Construction Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Commencement Information**

**I222** 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**

**I223** 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**

**I224** 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**

**I225** 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—

“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**

**I226** 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 ”.

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Democracy, Economic Development and Construction Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Commencement Information

**I227** 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

**I228** 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;”.

#### Commencement Information

**I229** 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, ”.

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**Commencement Information**

**I230** 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**

**I231** 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**

**I232** 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**

**I233** 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—
- “(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**

**I234** 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.



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**Commencement Information**

**I235** 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**

**I236** 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**

**I237** 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**

**I238** 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**

**I239** 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—  
“(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**

**I240** 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.

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(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**

**I241** 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**

**I242** Sch. 6 para. 69 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

*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**

**I243** 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.

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(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**

**I244** 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**

**I245** 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—

“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**

**I246** 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.

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**Commencement Information**

**I247** 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**

**I248** 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**

**I249** Sch. 6 para. 76 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

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**

**I250** 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 “;

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- (c) any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.”

**Commencement Information**

**I251** 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**

**I252** 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 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**

**I253** 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) ”.

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- (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**

**I254** Sch. 6 para. 81 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

#### *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; ”.

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**Commencement Information**

**I255** 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**

**I256** 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**

**I257** 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”.

**Commencement Information**

**I258** 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**

**I259** Sch. 6 para. 86 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

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*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**

**I260** 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**

**I261** Sch. 6 para. 88 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

*Audit Commission Act 1998 (c. 18)*

F25489 .....

**Textual Amendments**

**F254** 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](#))

*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**

**I262** Sch. 6 para. 90 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)



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*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**

**I263** 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**

**I264** Sch. 6 para. 92 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

*Local Government Act 2000 (c. 22)*

F25593 .....

**Textual Amendments**

**F255** 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.”

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**Commencement Information**

**I265** 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**

**I266** 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**

**I267** 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 ”.

**Commencement Information**

**I268** 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**

**I269** 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.

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- (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**

**I270** 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**

**I271** 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—

“(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**

**I272** 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—

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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**

**I273** 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**

**I274** 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. ”

**Commencement Information**

**I275** 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**

**I276** 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)—

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- (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**

**I277** 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**

**I278** 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**

**I279** 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 ”.

**Commencement Information**

**I280** 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**

**I281** 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 ”.

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**Commencement Information**

**I282** 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**

**I283** 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**

**I284** 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**

**I285** 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 ”.
- (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 ”.

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(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

**I286** Sch. 6 para. 115 in force at 17.12.2009 by S.I. 2009/3318, art. 2(c)

#### Police Reform Act 2002 (c. 30)

F256 116 .....

#### Textual Amendments

**F256** 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.

(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

**I287** Sch. 6 para. 117 in force at 17.12.2009 by S.I. 2009/3318, art. 2(c)

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*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**

**I288** 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**

**I289** 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 ”.

**Commencement Information**

**I290** 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—



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- “(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**

**I291** 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**

**I292** 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**

**I293** 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**

**I294** Sch. 6 para. 124 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(c)**

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**

**I295** 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**

**I296** Sch. 6 para. 126 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(c)**

127 After section 89 insert—

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### “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

**I297** 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

**I298** 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—

“(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

**I299** Sch. 6 para. 129 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(c\)](#)

130 After section 102 insert—

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### “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

**I300** 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

**I301** Sch. 7 Pt. 1 in force at 12.1.2010, see ss. 146(3)(a), 148(1)(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government and Housing Act 1989 (c. 42)	<p>In section 2(2)—</p> <ol style="list-style-type: none"><li>(a) paragraphs (a) and (b);</li><li>(b) in paragraph (c), “not falling within paragraph (a) or (b) above”.</li></ol> <p>In section 3(3)—</p> <ol style="list-style-type: none"><li>(a) in paragraph (a), “and”;</li><li>(b) paragraph (b);</li><li>(c) the words from “and it shall” to the end.</li></ol> <p>In section 3A(2)—</p> <ol style="list-style-type: none"><li>(a) in paragraph (a), the word “and”;</li><li>(b) paragraph (b);</li><li>(c) the words from “and the relevant” to the end.</li></ol>

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PROSPECTIVE

## PART 2

### AUDIT OF ENTITIES CONNECTED WITH LOCAL AUTHORITIES

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	Section 31.

## PART 3

### LOCAL GOVERNMENT BOUNDARY AND ELECTORAL CHANGE

#### Commencement Information

**I302** Sch. 7 Pt. 3 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(hh\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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.
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.

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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

**I303** Sch. 7 Pt. 4 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(ii\)](#)

#### *Short title and chapter*

Coroners Act 1988 (c. 13)

Local Government Finance Act 1988  
(c. 41)

#### *Extent of repeal*

In section 1(1A)(e), “, section 17 of the Regional Assemblies (Preparations) Act 2003”.

In section 74(2A), “, section 17 of the Regional Assemblies (Preparations) Act 2003”.

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	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

**I304** Sch. 7 Pt. 5 in force at 1.11.2011 for S. by [S.S.I. 2011/337](#), [art. 2](#)

#### *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);
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(b) in subsection (3), “or (2)”.

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**Status:**

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**Changes and effects yet to be applied to :**

- s. 2(3)(f) substituted by [2011 c. 13 Sch. 16 para. 374\(a\)](#) (Amendment not applied. S 2 of this Act was repealed before this amendment was brought into force.)
- s. 2(5)(e) substituted by [2011 c. 13 Sch. 16 para. 374\(b\)](#) (Amendment not applied. S 2 of this Act was repealed before this amendment was brought into force.)
- s. 69 functions made exercisable concurrently by [S.I. 2024/402 art. 47](#)
- s. 70(5) repealed by [2011 c. 20 s. 109\(1\)\(a\)Sch. 25 Pt. 16](#)
- s. 82(1)(2) repealed by [2011 c. 20 s. 109\(1\)\(a\)Sch. 25 Pt. 16](#)
- s. 83 repealed by [2011 c. 20 s. 109\(1\)\(a\)Sch. 25 Pt. 16](#)
- s. 107D(3) restricted by [S.I. 2023/1432 art. 43](#)
- s. 113A applied by [S.I. 2023/1432 art. 27\(4\)](#)
- s. 113A applied by [S.I. 2023/1432 art. 42\(2\)](#)
- Sch. 5 para. 2-4 repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5 para. 9-11 repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5 para. 14 repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5 para. 15(2) repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5 para. 1617 repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5 para. 19 repealed by [2011 c. 20 Sch. 25 Pt. 16](#)
- Sch. 5B para. 8(3) savings for the effects of the amendment by [2022 c. 37, Sch. 8 paras. 3-5 by S.I. 2023/1406 reg. 1718](#)