# Localism Act 2011

**2011 CHAPTER 20**

## PART 8

LONDON

## CHAPTER 1

HOUSING AND REGENERATION FUNCTIONS

### 186 Removal of limitations on Greater London Authority's general power

(1) Section 31 of the Greater London Authority Act 1999 (limits of the Authority's general power) is amended as follows.

(2) In subsection (3) (prohibition on the Authority incurring expenditure in providing housing or other services) omit paragraph (a) (provision of housing).

(3) Omit subsection (4) (interpretation of reference to provision of housing).

(4) Before subsection (5) insert—

"(4A) The reference in subsection (3) above to providing any education services does not include sponsoring Academies or facilitating their sponsorship."

**Commencement Information**

**I1** S. 186 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(u)** (with arts. 6, 7, arts. 9-11)

### 187 New housing and regeneration functions of the Authority

(1) Part 7A of the Greater London Authority Act 1999 is amended as follows.

(2) In the heading to that Part, after "HOUSING" insert " AND REGENERATION ".

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(3) Before section 333A insert—

*"Functions in relation to land*

333ZA **Compulsory acquisition of land**

(1) The Authority may acquire land in Greater London compulsorily for the purposes of housing or regeneration.

(2) The Authority may exercise the power in subsection (1) only if the Secretary of State authorises it to do so.

(3) The power in subsection (1) includes power to acquire new rights over land.

(4) Subsection (5) applies where—

(a) land forming part of a common, open space or allotment is being acquired under subsection (1), or

(b) new rights are being acquired under subsection (1) over land forming part of a common, open space or allotment.

(5) The power under subsection (1) includes power to acquire land compulsorily for giving in exchange for that land or those new rights.

(6) Part 1 of Schedule 2 to the Housing and Regeneration Act 2008 (compulsory acquisition of land by the Homes and Communities Agency) applies in relation to the acquisition of land under subsection (1) as it applies in relation to the acquisition of land under section 9 of that Act.

(7) In that Part of that Schedule as applied by subsection (6)—

(a) references to section 9 of that Act are to be read as references to subsection (1),

(b) references to the Homes and Communities Agency are to be read as references to the Authority, and

(c) references to Part 1 of that Act are to be read as references to this Part.

(8) The provisions of Part 1 of the Compulsory Purchase Act 1965 (other than section 31) apply, so far as applicable, to the acquisition by the Authority of land by agreement for the purposes of housing or regeneration.

(9) In this section—

"allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

"common" has the meaning given by section 19(4) of the Acquisition of Land Act 1981;

"open space" means any land which is—

(a) laid out as a public garden,

(b) used for the purposes of public recreation, or

(c) a disused burial ground.

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### 333ZB **Powers in relation to land held for housing or regeneration purposes**

(1) Schedule 3 to the Housing and Regeneration Act 2008 (powers in relation to land of the Homes and Communities Agency) applies in relation to the Authority and land held by it for the purposes of housing or regeneration as it applies in relation to the Homes and Communities Agency and its land.

(2) In that Schedule as applied by subsection (1)—
- (a) references to the Homes and Communities Agency are to be read as references to the Authority, and
- (b) references to the Homes and Communities Agency's land are to the Authority's land held by it for the purposes of housing or regeneration.

(3) Schedule 4 to that Act (powers in relation to, and for, statutory undertakers) applies in relation to the Authority and land held by it for the purposes of housing or regeneration as it applies in relation to the Homes and Communities Agency and its land.

(4) In that Schedule as applied by subsection (3)—
- (a) references to the Homes and Communities Agency are to be read as references to the Authority,
- (b) references to the Homes and Communities Agency's land are to the Authority's land held by it for the purposes of housing or regeneration,
- (c) references to Part 1 of that Act are to be read as references to this Part, and
- (d) references to the functions of the Homes and Communities Agency under Part 1 of that Act are to be read as references to the functions of the Authority relating to housing or regeneration.

### 333ZC **Disposal etc of land held for housing and regeneration purposes**

(1) The Authority may not dispose of land held by it for the purposes of housing or regeneration for less than the best consideration which can reasonably be obtained unless the Secretary of State consents.

(2) Consent under subsection (1)—
- (a) may be general or specific;
- (b) may be given unconditionally or subject to conditions.

(3) Subsection (1) does not apply to a disposal by way of a short tenancy if the disposal consists of—
- (a) the grant of a term of not more than 7 years, or
- (b) the assignment of a term which, at the date of assignment, has not more than 7 years to run.

(4) A disposal of land by the Authority is not invalid merely because any consent required by subsection (1) has not been given.

(5) A person dealing with—
- (a) the Authority, or
- (b) a person claiming under the Authority,

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in relation to any land need not be concerned as to whether any consent required by subsection (1) has been given.

### 333ZD **Power to enter and survey land**

(1) Sections 17 and 18 of the Housing and Regeneration Act 2008 (power to enter and survey land) apply in relation to the Authority and land in Greater London as they apply in relation to the Homes and Communities Agency and land outside Greater London.

(2) In those sections as applied by subsection (1)—
- (a) references to the Homes and Communities Agency are to be read as references to the Authority,
- (b) references to land are to land in Greater London, and
- (c) the reference to a proposal for the Homes and Communities Agency to acquire land is a reference to a proposal for the Authority to acquire land for the purposes of housing or regeneration.

*Social housing*

### 333ZE **Social housing**

(1) Subject to subsection (2), sections 31 to 36 of the Housing and Regeneration Act 2008 (social housing functions) apply in relation to the Authority as they apply in relation to the Homes and Communities Agency.

(2) In those sections as applied by subsection (1)—
- (a) references to the Homes and Communities Agency are to be read as references to the Authority,
- (b) the definition of "social housing assistance" in section 32(13) is to be read as if the reference to financial assistance given under section 19 of that Act were to financial assistance given by the Authority,
- (c) section 34 is to be read as if subsection (1) were omitted, and
- (d) section 35(1) is to be read as if the reference to section 19 of the Housing and Regeneration Act 2008 were omitted and as if the reference in paragraph (b) to a dwelling in England outside Greater London were to a dwelling in Greater London.

(3) Sums received by the Authority in respect of repayments of grants made by it for the purposes of social housing are to be used by it for those purposes.

### 333ZF **Relationship with the Regulator of Social Housing: general**

(1) The Authority must, in the exercise of its housing and regeneration functions, co-operate with the Regulator of Social Housing (referred to in this Part as "the Regulator").

(2) In particular, the Authority must consult the Regulator on matters likely to interest the Regulator in the exercise of its social housing functions.

(3) The Regulator must, in the exercise of its social housing functions, co-operate with the Authority.

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(4) In particular, the Regulator must consult the Authority on matters likely to interest the Authority in the exercise of its housing and regeneration functions.

333ZG **Relationship with the Regulator of Social Housing: directions**

(1) The Regulator may direct the Authority not to give financial assistance in connection with social housing to a specified registered provider of social housing.

(2) A direction may be given if—
  (a) the Regulator has decided to hold an inquiry into affairs of the registered provider of social housing under section 206 of the Housing and Regeneration Act 2008 (and the inquiry is not concluded),
  (b) the Regulator has received notice in respect of the registered provider of social housing under section 145 of that Act, or
  (c) the Regulator has appointed an officer of the registered provider of social housing under section 269 of that Act (and the person appointed has not vacated office).

(3) A direction may prohibit the Authority from giving assistance of a specified kind (whether or not in pursuance of a decision already taken and communicated to the registered provider of social housing).

(4) A direction may not prohibit grants to a registered provider of social housing in respect of discounts given by the provider on disposals of dwellings to tenants.

(5) A direction has effect until withdrawn.

(6) In this section the following terms have the same meaning as in Part 2 of the Housing and Regeneration Act 2008—
  "disposal" (see section 273 of that Act);
  "dwelling" (see section 275 of that Act);
  "tenant" (see section 275 of that Act).

333ZH **Relationship with the Regulator of Social Housing: further provisions**

(1) Subsection (2) applies if the Authority is proposing to give financial assistance on condition that the recipient provides low cost home ownership accommodation.

(2) The Authority must consult the Regulator about the proposals.

(3) The Authority must notify the Regulator at least 14 days before exercising, in relation to a registered provider of social housing, any of the powers conferred by section 32(2) to (4) of the Housing and Regeneration Act 2008 (recovery etc of social housing assistance).

(4) The Authority must consult the Regulator before making a general determination under section 32 or 33 of the Housing and Regeneration Act 2008.

(5) For the purposes of this section a person provides low cost home ownership accommodation if (and only if) the person acquires, constructs or converts any

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housing or other land for use as low cost home ownership accommodation or ensures such acquisition, construction or conversion by another.

(6) In this section "low cost home ownership accommodation" has the meaning given by section 70 of the Housing and Regeneration Act 2008.

*Exercise of functions in relation to certain property etc*

333ZI **Exercise of functions by the Authority in relation to certain property etc**

(1) The Authority may do in relation to any property, rights or liabilities, or any undertaking, to which this section applies anything that the Commission for the New Towns or (as the case may be) an urban development corporation could do in relation to the property, rights or liabilities or the undertaking.

(2) This section applies to—

(a) any property, rights or liabilities that—

(i) have been or are to be transferred to the Authority from the Homes and Communities Agency by virtue of section 190 of the Localism Act 2011, and

(ii) were transferred to the Homes and Communities Agency from the Commission for the New Towns by virtue of section 51 of and Schedule 6 to the Housing and Regeneration Act 2008,

(b) an undertaking, or part of an undertaking, of an urban development corporation that has been or is to be transferred to the Authority by virtue of an agreement under section 165 of the Local Government, Planning and Land Act 1980,

(c) any property, rights or liabilities of an urban development corporation that have been or are to be transferred to the Authority by virtue of an order under section 165B of the Local Government, Planning and Land Act 1980, and

(d) any property, rights or liabilities that—

(i) have been or are to be transferred to the Authority from the Homes and Communities Agency by virtue of section 190 of the Localism Act 2011, and

(ii) were transferred to the Homes and Communities Agency from an urban development corporation by virtue of an order under section 165B of the Local Government, Planning and Land Act 1980.

(3) In any enactment (whenever passed or made) references to the Authority's new towns and urban development functions are to its functions in relation to any property, rights or liabilities, or any undertaking, to which this section applies (whether exercisable by virtue of this section or otherwise).

(4) In subsection (3) "enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

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*Grants for housing and regeneration purposes*

### 333ZJ **Grants to the Authority for housing and regeneration purposes**

(1) The Secretary of State may pay to the Authority grants of such amounts as the Secretary of State may, with the Treasury's consent, determine in respect of the exercise of the Authority's functions relating to housing and regeneration.

(2) A grant under this section may be paid at such times, or in such instalments at such times, as the Secretary of State may, with the Treasury's consent, determine.

(3) A grant under this section may be made subject to such conditions as the Secretary of State may determine.

(4) Conditions under subsection (3) may, in particular, include—

(a) provision as to the use of the grant;

(b) provision as to the use of any funds generated by activities funded by the grant;

(c) provision as to the circumstances in which the whole or part of the grant must be repaid."

(4) After section 333D insert—

*"Interpretation*

### 333E Interpretation of Part 7A

In this Part—

"building" means a building or other structure (including a house-boat or caravan);

"caravan" has the meaning given by section 29(1) of the Caravan Sites and Control of Development Act 1960;

"housing" means a building, or part of a building, occupied or intended to be occupied as a dwelling or as more than one dwelling; and includes a hostel which provides temporary residential accommodation;

"land" includes housing or other buildings (and see also the definition in Schedule 1 to the Interpretation Act 1978);

"the Regulator" has the meaning given by section 333ZF(1);

"social housing" (except as part of the expression "social housing functions") has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 (see section 68 of that Act)."

**Commencement Information**

**I2** S. 187(1)(2) in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(v)** (with arts. 6, 7, arts. 9-11)

**I3** S. 187(3)(4) in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(w)** (with arts. 6, 7, arts. 9-11)

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VALID FROM 03/05/2012

**188 The London housing strategy**

(1) Before section 333A of the Greater London Authority Act 1999 (the London housing strategy) insert— " The London housing strategy ".

(2) That section is amended as follows.

(3) In subsection (2)(d) for "recommendations" substitute " proposals ".

(4) In subsection (3)—

(a) in the opening words for "recommendations" substitute " proposals ",

(b) in paragraph (a) for "Homes and Communities Agency" substitute " Authority ", and

(c) for paragraph (b) substitute—

"(b) proposals as to the exercise by the Authority of its functions of giving housing financial assistance (see subsection (4) below);".

(5) For subsection (4) substitute—

"(4) Proposals under subsection (3)(b) above may include—

(a) proposals as to the amount of housing financial assistance to be given for different activities or purposes;

(b) proposals as to the number, type and location of houses to be provided by means of housing financial assistance."

(6) In subsection (10) in the definition of "housing financial assistance" for the words from "under" to "2008" substitute " by the Authority ".

(7) Section 333D (duties of Homes and Communities Agency) is amended as follows.

(8) In the heading for "Homes and Communities Agency" substitute " the Authority ".

(9) In subsection (1) for the words from "Greater London" to "Agency" substitute " housing or regeneration, the Authority ".

VALID FROM 01/04/2012

**189 Modification to the Homes and Communities Agency's functions**

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

(2) In section 2(2) (objects of the Homes and Communities Agency) before the definition of "good design" insert—

""England" does not include Greater London;".

(3) Section 13 (power of Secretary of State to make designation orders) is amended as follows.

(4) In subsection (1) after "England" insert " outside Greater London ".

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(5) In subsection (6)—
  (a) after "England," insert " or ", and
  (b) omit the words from ", a London" to the end of the subsection.

(6) In section 14(7) (content of designation orders) in paragraph (a) of the definition of "relevant functions" omit the words from ", a London" to "of London,".

(7) In section 26(2) (duty to act as agent in respect of regeneration and development) after "England" insert " outside Greater London ".

(8) In section 35(1)(b) (duty to give financial assistance in respect of certain disposals) after "England" insert " outside Greater London ".

## 190 Transfer of property of Homes and Communities Agency etc

(1) The Secretary of State may at any time make a scheme (a "transfer scheme") transferring the property, rights and liabilities of the Homes and Communities Agency ("the HCA") or the Secretary of State that are specified in the scheme to—
  (a) the Greater London Authority,
  (b) a functional body,
  (c) a company that is a subsidiary of the Greater London Authority,
  (d) the Secretary of State,
  (e) a London borough council, or
  (f) the Common Council of the City of London.

(2) The Secretary of State may by order specify another person, or a description of other persons, to whom property, rights or liabilities of the HCA or the Secretary of State may be transferred by a transfer scheme.

(3) In this section—

' "company" means—
  (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
  (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;

"functional body" has the meaning given by section 424(1) of the Greater London Authority Act 1999;

"rights" and "liabilities" include rights, or (as the case may be) liabilities, in relation to a contract of employment;

"subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

**Commencement Information**

**I4** S. 190 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(x)** (with arts. 6, 7, arts. 9-11)

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### 191 Abolition of London Development Agency and transfer of its property etc

(1) The London Development Agency ceases to exist on the day on which this subsection comes into force.

(2) The Secretary of State may at any time make a scheme (a "transfer scheme") transferring the property, rights and liabilities of the London Development Agency that are specified in the scheme to—

(a) the Greater London Authority,

(b) a functional body,

(c) a company that is a subsidiary of the Greater London Authority,

(d) the Secretary of State,

(e) a London borough council, or

(f) the Common Council of the City of London.

(3) Before making a transfer scheme, the Secretary of State must consult the Mayor of London.

(4) The Secretary of State may by order specify another person, or a description of other persons, to whom property, rights or liabilities of the London Development Agency may be transferred by a transfer scheme.

(5) In this section—

' "company" means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;

"functional body" has the meaning given by section 424(1) of the Greater London Authority Act 1999;

"rights" and "liabilities" include rights, or (as the case may be) liabilities, in relation to a contract of employment;

"subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

**Commencement Information**

**I5** S. 191(2)-(5) in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(y)** (with arts. 6, 7, arts. 9-11)

VALID FROM 03/05/2012

### 192 Mayor's economic development strategy for London

(1) The Greater London Authority Act 1999 is amended as follows.

(2) After section 333E (which is inserted by section 187) insert—

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## "PART 7B

ECONOMIC DEVELOPMENT

### 333F Economic development strategy for London

(1) The Mayor shall prepare and publish a document to be known as the "Economic development strategy for London".

(2) The Economic development strategy for London is to contain—
- (a) the Mayor's assessment of the economic conditions of Greater London, and
- (b) the Mayor's policies and proposals for the economic development and regeneration of Greater London, including the Mayor's strategy for—
  - (i) promoting business efficiency, investment and competitiveness in Greater London,
  - (ii) promoting employment in Greater London, and
  - (iii) enhancing the development of skills relevant to employment in Greater London.

The references in this subsection to Greater London include its rural parts as well as its non-rural parts.

(3) In preparing or revising the Economic development strategy for London the Mayor must consult—
- (a) such persons as appear to the Mayor to represent employers in Greater London, and
- (b) such persons as appear to the Mayor to represent employees in Greater London.

(4) Each of the functional bodies must in the exercise of any function have regard to the Economic development strategy for London.

(5) The Secretary of State may give guidance to the Mayor about the exercise of the Mayor's functions in relation to the Economic development strategy for London with respect to—
- (a) the matters to be covered by that strategy or that strategy as revised, and
- (b) the issues to be taken into account in preparing or revising that strategy.

(6) The issues mentioned in subsection (5)(b) above include issues relating to any one or more of the following—
- (a) Greater London,
- (b) any area of England outside Greater London, and
- (c) any part of the United Kingdom outside England.

(7) The Mayor is to have regard to any guidance given under subsection (5) above.

(8) Where the Secretary of State considers—

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(a) that the Economic development strategy for London (or any part of it) is inconsistent with national policies, or

(b) that the Economic development strategy for London or its implementation is having, or is likely to have, a detrimental effect on any area outside Greater London,

the Secretary of State may direct the Mayor to make such revisions of the strategy as may be specified in the direction in order to remove the inconsistency or, as the case may be, the detrimental effect or likely detrimental effect.

(9) Where the Secretary of State gives the Mayor a direction under subsection (8) above, the Mayor must revise the Economic development strategy for London in accordance with the direction.

(10) Where the Mayor revises the Economic development strategy for London in accordance with subsection (9) above, subsection (3) above and section 42 above do not apply.

(11) For the purposes of subsection (8) above "national policies" are any policies of Her Majesty's government which are available in a written form and which—

(a) have been laid or announced before, or otherwise presented to, either House of Parliament, or

(b) have been published by a Minister of the Crown."

(3) In section 41(1) (strategies to which section applies) for paragraph (b) (the London Development Agency strategy) substitute—

"(b) the Economic development strategy for London prepared and published under section 333F below,".

## 193 Transfer schemes: general provisions

(1) In this section—

"transfer scheme" means a scheme under section 190(1) or 191(2);

"transferee", in relation to a transfer scheme, means the person to whom property, rights or liabilities are transferred by the scheme;

"transferor", in relation to a transfer scheme, means the person from whom property, rights or liabilities are transferred by the scheme.

(2) The things that may be transferred under a transfer scheme include—

(a) property, rights or liabilities that could not otherwise be transferred;

(b) property acquired, and rights and liabilities arising, after the making of the scheme.

(3) A transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—

(a) make provision for certificates issued by the Secretary of State to be conclusive evidence that property has been transferred;

(b) create rights, or impose liabilities, in relation to property or rights transferred;

(c) make provision about the continuing effect of things done (or having effect as if done) by or in relation to the transferor in respect of anything transferred;

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(d) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in relation to anything transferred;

(e) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee;

(f) make provision for the shared ownership or use of property;

(g) provide for section 36(3)(c) of the London Olympic Games and Paralympic Games Act 2006 to continue (until repealed) to apply to land transferred to which it applied immediately before the transfer.

(4) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to a transfer under a transfer scheme where the transfer relates to rights or liabilities under a contract of employment (whether or not it is a relevant transfer for the purposes of those regulations).

(5) A transfer scheme may provide—

(a) for modifications by agreement;

(b) for modifications to have effect from the date when the original scheme came into effect.

(6) In this section "rights" and "liabilities" include rights, or (as the case may be) liabilities, in relation to a contract of employment.

**Commencement Information**

**I6** S. 193 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(z)** (with arts. 6, 7, arts. 9-11)

## 194 Power to make consequential etc provision

(1) The Secretary of State may by order make such consequential provision or such transitory or transitional provision or savings as the Secretary of State considers appropriate for the purposes of or in consequence of this Chapter.

(2) The provision that may be made under subsection (1) includes, in particular—

(a) provision for things done (or having effect as if done) by or in relation to a predecessor to have effect as if done by or in relation to a successor;

(b) provision about the continuation by, on behalf of or in relation to a successor of things (including legal proceedings) in the process of being done by, on behalf of or in relation to a predecessor;

(c) provision for references to a predecessor in an instrument or other document to be treated as references to a successor.

(3) In subsection (2)—

"predecessor" means a person from whom property, rights or liabilities may be transferred by a scheme under section 190(1) or 191(2);

"successor" means a person to whom property, rights or liabilities may be transferred by a scheme under section 190(1) or 191(2).

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**Commencement Information**

**I7** S. 194 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(z)** (with arts. 6, 7, arts. 9-11)

### 195 Consequential amendments

(1) Schedule 19 (housing and regeneration: consequential amendments) has effect.

(2) Schedule 20 (amendments in consequence of the abolition of the London Development Agency) has effect.

**Commencement Information**

**I8** S. 195 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(aa)** (with arts. 6, 7, arts. 9-11)

## CHAPTER 2

MAYORAL DEVELOPMENT CORPORATIONS

*Introductory*

### 196 Interpretation of Chapter

In this Chapter—

"the Mayor" means the Mayor of London;

"MDC" means a Mayoral development corporation (see section 198).

*Establishment and areas*

### 197 Designation of Mayoral development areas

(1) The Mayor may designate any area of land in Greater London as a Mayoral development area.

(2) Separate parcels of land may be designated as one Mayoral development area.

(3) The Mayor may designate a Mayoral development area only if—

(a) the Mayor considers that designation of the area is expedient for furthering any one or more of the Greater London Authority's principal purposes,

(b) the Mayor has consulted the persons specified by subsection (4),

(c) the Mayor has had regard to any comments made in response by the consultees,

(d) in the event that those comments include comments made by the London Assembly or a consultee under subsection (4)(d), (e), (f) or (g) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance,

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(e) the Mayor has laid before the London Assembly, in accordance with standing orders of the Greater London Authority, a document stating that the Mayor is proposing to designate the area, and

(f) the consideration period for the document has expired without the London Assembly having rejected the proposal.

(4) The persons who have to be consulted before an area may be designated are—

(a) the London Assembly,

(b) each constituency member of the London Assembly whose Assembly constituency contains any part of the area,

(c) each Member of Parliament whose parliamentary constituency contains any part of the area,

(d) each London borough council whose borough contains any part of the area,

(e) the Common Council of the City of London if any part of the area is within the City,

(f) the sub-treasurer of the Inner Temple if any part of the area is within the Inner Temple,

(g) the under treasurer of the Middle Temple if any part of the area is within the Middle Temple, and

(h) any other person whom the Mayor considers it appropriate to consult.

(5) For the purposes of subsection (3)(f)—

(a) the "consideration period" for a document is the 21 days beginning with the day the document is laid before the London Assembly in accordance with standing orders of the Greater London Authority, and

(b) the London Assembly rejects a proposal if it resolves to do so on a motion—

(i) considered at a meeting of the Assembly throughout which members of the public are entitled to be present, and

(ii) agreed to by at least two thirds of the Assembly members voting.

(6) If the Mayor designates a Mayoral development area, the Mayor must—

(a) publicise the designation,

(b) notify the Secretary of State of the designation, and

(c) notify the Secretary of State of the name to be given to the Mayoral development corporation for the area.

(7) Section 30(2) of the Greater London Authority Act 1999 (interpretation of references to the Authority's principal purposes) applies for the purposes of subsection (3)(a).

**Commencement Information**

**I9** S. 197(1)(2)(3)(a)-(d)(4)(6)(7) in force at 15.1.2012 see s. 240(1)(l)

**I10** S. 197(3)(e)(f)(5) in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(bb)** (with arts. 6, 7, arts. 9-11)

## 198 Mayoral development corporations: establishment

(1) Subsection (2) applies if the Secretary of State receives notification under section 197(6) of the designation of a Mayoral development area.

(2) The Secretary of State must by order—

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(a) establish a corporation for the area,
(b) give the corporation the name notified to the Secretary of State by the Mayor, and
(c) give effect to any decisions notified under section 202(8) (decisions about planning functions, but see also sections 199(4) and 214(6) as regards other decisions to which effect has to be given).

(3) A corporation established under subsection (2) is a Mayoral development corporation.

(4) A Mayoral development corporation is a body corporate having the name given to it by the order establishing it.

(5) In exercising power under subsection (2) to make provision of the kind mentioned in section 235(2)(b), the Secretary of State is to have regard to any relevant representations received from the Mayor.

(6) Schedule 21 (further provision about MDCs) has effect.

### 199 Exclusion of land from Mayoral development areas

(1) The Mayor may alter the boundaries of a Mayoral development area so as to exclude any area of land.

(2) Before making an alteration, the Mayor must consult—
(a) the London Assembly, and
(b) any other person whom the Mayor considers it appropriate to consult.

(3) If the Mayor makes an alteration, the Mayor must—
(a) publicise the alteration,
(b) notify the Secretary of State of the alteration, and
(c) notify the MDC for the area (if an MDC has been established for that area).

(4) If the Secretary of State receives notification under subsection (3) of an alteration, the Secretary of State must give effect to the alteration—
(a) when making the order under section 198(2) that establishes an MDC for the Mayoral development area concerned, or
(b) by exercising the power to amend that order (see section 14 of the Interpretation Act 1978).

### 200 Transfers of property etc to a Mayoral development corporation

(1) The Secretary of State may at any time make a scheme transferring to an MDC property, rights and liabilities of a person within subsection (3).

(2) Before making a scheme under subsection (1), the Secretary of State must consult—
(a) the person whose property, rights or liabilities would be transferred, and
(b) the Mayor.

(3) A person is within this subsection if the person is—
(a) a London borough council,
(b) the Common Council of the City of London in its capacity as a local authority,
(c) the Homes and Communities Agency,

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(d) a development corporation established under the New Towns Act 1981 for a new town all or part of whose area is in Greater London,

(e) an urban development corporation for an urban development area all or part of which is in Greater London,

(f) the Olympic Delivery Authority,

(g) any company, or other body corporate, which is a wholly-owned subsidiary of the Olympic Delivery Authority,

(h) any company, or other body corporate, which—

(i) is a subsidiary of the Olympic Delivery Authority, and

(ii) is a subsidiary of at least one other public authority, and

(iii) is not a subsidiary of any person who is not a public authority,

(i) a Minister of the Crown or a government department,

(j) any company all the shares in which are held by a Minister of the Crown, or

(k) any company whose members—

(i) include the Mayor and a Minister of the Crown, and

(ii) do not include anyone who is neither the Mayor nor a Minister of the Crown.

(4) The Mayor may at any time make a scheme transferring to an MDC property, rights and liabilities of—

(a) the Greater London Authority,

(b) a functional body other than that MDC, or

(c) a company that is a subsidiary of the Greater London Authority.

(5) The Mayor must publish a scheme under subsection (4) as soon after it is made as is reasonably practicable.

(6) The Secretary of State may by order specify another person, or a description of other persons, from whom property, rights or liabilities may be transferred under subsection (1) or (4).

(7) In subsection (3)(g) "wholly-owned subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

(8) For the purposes of subsection (3)(h) and paragraph (b) of this subsection, a body corporate ("C") is a "subsidiary" of another person ("P") if—

(a) P, or P's nominee, is a member of C, or

(b) C is a subsidiary of a body corporate that is itself a subsidiary of P.

(9) In subsection (4)(c)—

"company" means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969, and

"subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

(10) In this section—

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"functional body" has the meaning given by section 424(1) of the Greater London Authority Act 1999;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"public authority" means a public body or a Minister of the Crown or other holder of a public office;

"urban development corporation" means a corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.

*Object and main power*

### 201 Object and powers

(1) The object of an MDC is to secure the regeneration of its area.

(2) An MDC may do anything it considers appropriate for the purposes of its object or for purposes incidental to those purposes.

(3) In this section "specific power", in relation to an MDC, means any of the MDC's powers other than its powers under subsection (2).

(4) An MDC's specific powers are to be exercised for the purposes of its object or for purposes incidental to those purposes.

(5) Each of an MDC's specific powers may be exercised separately or together with, or as part of, another of its specific powers.

(6) None of an MDC's specific powers limits the scope of its other specific powers.

(7) None of an MDC's specific powers limits the scope of its powers under subsection (2).

(8) But—

(a) subsections (4) and (5) do not apply to an MDC in its capacity as a local planning authority as a result of decisions under section 202 or in its exercise of other functions as a result of decisions under that section,

(b) subsection (4) does not apply to the exercise of a function by an MDC in consequence of an authorisation under section 38 of the Greater London Authority Act 1999 (delegation by Mayor), and

(c) the powers conferred by subsection (2) must not be used to override a restriction imposed on the exercise of a specific power.

*Planning and infrastructure functions*

### 202 Functions in relation to Town and Country Planning

(1) Subsections (2) to (4) apply if the Mayor designates a Mayoral development area.

(2) The Mayor may decide that the MDC for the area ("the MDC") is to be the local planning authority, for the whole or any portion of the area, for the purposes of any one or more of the following—

(a) Part 3 of the Town and Country Planning Act 1990,

(b) Part 2 of the Planning and Compulsory Purchase Act 2004, and

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(c) Part 3 of that Act.

(3) The Mayor may decide that the MDC is to have, in the whole or any portion of the area, the functions conferred on the local planning authority by the provisions mentioned in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980.

(4) The Mayor may decide that the MDC is to have, in the whole or any portion of the area, the functions conferred on the relevant planning authority by Schedule 8 to the Electricity Act 1989 so far as applying to applications for consent under section 37 of that Act.

(5) If the Mayor makes a decision under subsection (3), the Mayor may decide that the provisions specified in Part 2 of Schedule 29 to the Local Government, Planning and Land Act 1980 are to have effect, in relation to land in the whole or any portion of the area and to the MDC, subject to the modifications specified in that Part of that Schedule.

(6) The Mayor may, at any time before the order establishing the MDC is made, decide that a decision under any of subsections (2) to (5) (whether as originally made or as varied under this subsection) should be subject to variations specified in the decision under this subsection.

(7) The Mayor may make a decision under any of subsections (2) to (6) only if—
- (a) the Mayor has consulted the persons specified by section 197(4) in relation to the area,
- (b) the Mayor has had regard to any comments made in response by the consultees, and
- (c) in the event that those comments include comments made by the London Assembly or an affected local authority that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.

In paragraph (c) "affected local authority" means a person specified by section 197(4)(d), (e), (f) or (g) in relation to the area.

(8) If the Mayor makes a decision under any of subsections (2) to (6), the Mayor must—
- (a) publicise the decision, and
- (b) notify the Secretary of State of the decision.

(9) A decision under subsection (2), or a decision under subsection (6) varying a decision under subsection (2), may make different provision for different portions of the area.

(10) For the purposes of subsection (6) "variation", in relation to a decision, includes a variation that involves—
- (a) revocation of all or part of the decision, or
- (b) substitution of something new for all or part of the decision, including substitution of something wholly unlike what it replaces.

### 203 Arrangements for discharge of, or assistance with, planning functions

(1) Where an MDC, as a result of being the local planning authority for purposes of Part 3 of the Town and Country Planning Act 1990 in relation to any area, has functions in place of a London borough council or the Common Council of the City of London, the MDC may make arrangements for the discharge of any of those functions by that council.

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(2) Where arrangements are in force under subsection (1) for the discharge of any functions of an MDC by a council—
  (a) that council may arrange for the discharge of those functions by a committee, sub-committee or officer of the council, and
  (b) section 101(2) of the Local Government Act 1972 (delegation by committees and sub-committees) applies in relation to those functions as it applies in relation to the functions of that council.

(3) Arrangements under subsection (1) for the discharge of any functions do not prevent the MDC from exercising those functions.

(4) Subsection (5) applies where an MDC, as a result of being the local planning authority for purposes of Part 2 or 3 of the Planning and Compulsory Purchase Act 2004 in relation to any area, has functions in place of a London borough council or the Common Council of the City of London.

(5) The MDC may seek from that council, and that council may give, assistance in connection with the MDC's discharge of any of those functions.

### 204 Removal or restriction of planning functions

(1) This section applies if an order establishing an MDC ("the MDC") has been made.

(2) The Mayor may decide in relation to a function conferred on the MDC as a result of a decision under section 202(2), (3) or (4)—
  (a) that the MDC is to cease to have the function, whether in all respects or in respects specified in the decision, or
  (b) that the exercise of the function by the MDC is to be subject to restrictions specified in the decision.

(3) If the Mayor makes a decision under subsection (2) ("the new decision"), the Mayor may decide that any provision made under section 198(2) in consequence of a decision under section 202(5) should, in consequence of the new decision, be amended or revoked as specified in the decision under this subsection.

(4) A reference in subsection (2) or (3) to a decision under a provision of section 202 is, where that decision has been varied (whether once or more than once) under section 202(6), a reference to that decision as varied.

(5) If the Mayor makes a decision under subsection (2) or (3), the Mayor must—
  (a) publicise the decision, and
  (b) notify the Secretary of State of the decision.

(6) The Secretary of State must give effect to a decision notified under subsection (5) by exercising the power to amend the order under 198(2) that establishes the MDC (see section 14 of the Interpretation Act 1978).

### 205 Powers in relation to infrastructure

(1) An MDC may provide infrastructure.

(2) An MDC may facilitate the provision of infrastructure.

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(3) In this section "provide" includes provide by way of acquisition, construction, conversion, improvement or repair (and "provision" is to be read in the same way).

(4) In this section "infrastructure" means—
- (a) water, electricity, gas, telecommunications, sewerage or other services,
- (b) roads or other transport facilities,
- (c) retail or other business facilities,
- (d) health, educational, employment or training facilities,
- (e) social, religious or recreational facilities,
- (f) cremation or burial facilities, and
- (g) community facilities not falling within paragraphs (a) to (f).

*Land functions*

### 206 Powers in relation to land

(1) An MDC may regenerate or develop land.

(2) An MDC may bring about the more effective use of land.

(3) An MDC may provide buildings or other land.

(4) An MDC may carry out any of the following activities in relation to land—
- (a) acquiring, holding, improving, managing, reclaiming, repairing or disposing of buildings, other land, plant, machinery, equipment or other property,
- (b) carrying out building and other operations (including converting or demolishing buildings), and
- (c) creating an attractive environment.

(5) An MDC may facilitate—
- (a) the regeneration or development of land,
- (b) the more effective use of land,
- (c) the provision of buildings or other land, or
- (d) the carrying out of activities mentioned in subsection (4).

(6) In this section—
- (a) a reference to a "building" is a reference to—
  - (i) a building or other structure (including a house-boat or caravan), or
  - (ii) any part of something within sub-paragraph (i);
- (b) "develop" includes redevelop (and "development" includes redevelopment);
- (c) "improve", in relation to buildings, includes refurbish, equip and fit out;
- (d) "provide" includes provide by way of acquisition, construction, conversion, improvement or repair (and "provision" is to be read in the same way).

### 207 Acquisition of land

(1) An MDC may by agreement acquire land in its area or elsewhere.

(2) An MDC may acquire land in its area, or elsewhere in Greater London, compulsorily if the Secretary of State authorises it to do so.

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(3) An MDC must obtain the consent of the Mayor of London before submitting a compulsory purchase order authorising an acquisition under subsection (2) to the Secretary of State for confirmation.

(4) The power under subsection (2) includes power to acquire new rights over land.

(5) Subsection (6) applies where—
- (a) land forming part of a common, open space or allotment is being acquired under subsection (2), or
- (b) new rights are being acquired under subsection (2) over land forming part of a common, open space or allotment.

(6) The power under subsection (2) includes power to acquire land compulsorily for giving in exchange for that land or those new rights.

(7) Part 1 of Schedule 2 to the Housing and Regeneration Act 2008 (compulsory acquisition of land by the Homes and Communities Agency) applies in relation to the acquisition of land under subsection (2) as it applies in relation to the acquisition of land under section 9 of that Act.

(8) In that Part of that Schedule as applied by subsection (7)—
- (a) references to section 9 of that Act are to be read as references to subsection (2),
- (b) references to the Homes and Communities Agency are to be read as references to the MDC concerned, and
- (c) references to Part 1 of that Act are to be read as references to this Chapter.

(9) The provisions of Part 1 of the Compulsory Purchase Act 1965 (other than section 31) apply, so far as applicable, to the acquisition by an MDC of land by agreement.

(10) In subsection (5)—

"allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

"common" has the meaning given by section 19(4) of the Acquisition of Land Act 1981;

"open space" means any land which is—
- (a) laid out as a public garden,
- (b) used for the purposes of public recreation, or
- (c) a disused burial ground.

## 208 Powers in relation to acquired land

(1) Schedule 3 to the Housing and Regeneration Act 2008 (powers, in relation to land of the Homes and Communities Agency, to override easements etc, to extinguish public rights of way, and in relation to burial grounds and consecrated land) applies in relation to an MDC and its land as it applies in relation to the Homes and Communities Agency and its land.

(2) In that Schedule as applied by subsection (1), references to the Homes and Communities Agency are to be read as references to the MDC concerned.

(3) The power of the Secretary of State under Part 2 of that Schedule (extinguishment of public rights of way) as applied by subsection (1) is exercisable only with the consent of the Mayor.

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(4) Schedule 4 to that Act (powers in relation to, and for, statutory undertakers) applies in relation to an MDC and its land as it applies in relation to the Homes and Communities Agency and its land.

(5) In that Schedule as applied by subsection (4)—
   (a) references to the Homes and Communities Agency are to be read as references to the MDC concerned, and
   (b) references to Part 1 of that Act are to be read as references to this Chapter.

**209 Restrictions on disposal of land**

(1) An MDC may not dispose of land for less than the best consideration which can reasonably be obtained unless the Mayor consents.

(2) Subsection (1) does not apply to a disposal by way of a short tenancy if the disposal consists of—
   (a) the grant of a term of not more than 7 years, or
   (b) the assignment of a term which, at the date of assignment, has not more than 7 years to run.

(3) An MDC may not dispose of land which has been compulsorily acquired by it under this Chapter unless the Mayor consents.

(4) Subject to subsections (1) to (3), an MDC may dispose of land held by it in any way it considers appropriate.

**210 Power to enter and survey land**

(1) Sections 17 and 18 of the Housing and Regeneration Act 2008 (power to enter and survey land) apply in relation to an MDC as they apply in relation to the Homes and Communities Agency.

(2) In those sections as applied by subsection (1), references to that Agency are to be read as references to the MDC concerned.

*Other functions*

**211 Adoption of private streets**

(1) Where any street works have been executed on any land in a Mayoral development area which was then or has since become a private street (or part of a private street), the MDC for the area may serve a notice (an "adoption notice") on the street works authority requiring the authority to declare the private street (or part) to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.

(2) Subsections (2) to (5) of section 157 of the Local Government, Planning and Land Act 1980 (appeal against corresponding notice served by an urban development corporation, and deemed adoption where no appeal or compliance) apply in relation to an adoption notice under subsection (1) of this section as they apply in relation to an adoption notice under subsection (1) of that section.

(3) Section 157(6) of that Act (interpretation) applies for the purposes of this section.

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### 212 Businesses, subsidiaries and other companies

(1) An MDC may carry on any business.

(2) An MDC may with the consent of the Mayor—
- (a) form, or
- (b) acquire interests in,

bodies corporate.

(3) An MDC must ensure that no subsidiary of the MDC engages in an activity which the MDC would not be required or permitted to carry on.

(4) An MDC must ensure that no subsidiary of the MDC—
- (a) borrows from a person other than the MDC, or
- (b) raises money by the issue of shares or stock to a person other than the MDC,

without the consent of the Mayor.

(5) In subsection (1) "business" includes undertaking.

(6) In this section "subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

### 213 Financial assistance

(1) An MDC may, with the consent of the Mayor, give financial assistance to any person.

(2) Financial assistance under this section may be given in any form.

(3) Financial assistance under this section may, in particular, be given by way of—
- (a) grants,
- (b) loans,
- (c) guarantee or indemnity,
- (d) investment, or
- (e) incurring expenditure for the benefit of the person assisted.

(4) Financial assistance under this section may be given on such terms and conditions as the MDC giving it considers appropriate (including provision for repayment, with or without interest).

### 214 Powers in relation to discretionary relief from non-domestic rates

(1) Subsection (2) applies if the Mayor designates a Mayoral development area.

(2) The Mayor may decide that the MDC for the area is to have—
- (a) in relation to qualifying hereditaments in the area, the function of making decisions (under section 47(3) and (6) of the 1988 Act) to the effect that section 47 of the 1988 Act applies as regards a hereditament, and
- (b) in relation to a hereditament as regards which that section applies as a result of a decision made by the MDC, the function of making the determinations mentioned in section 47(1)(a) of the Local Government Finance Act 1988 (determination of amount of discretionary relief).

(3) The Mayor may at any time decide that a decision under subsection (2) should be revoked.

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(4) The Mayor may make a decision under subsection (2) or (3) only if—
- (a) the Mayor has consulted the persons specified by section 197(4) in relation to the area,
- (b) the Mayor has had regard to any comments made in response by the consultees, and
- (c) in the event that those comments include comments made by the London Assembly or an affected local authority that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.

In paragraph (c) "affected local authority" means a person specified by section 197(4)(d), (e), (f) or (g) in relation to the area.

(5) If the Mayor makes a decision under subsection (2) or (3), the Mayor must—
- (a) publicise the decision, and
- (b) notify the Secretary of State of the decision.

(6) If the Secretary of State receives notification under subsection (5) of a decision, the Secretary of State must give effect to the decision—
- (a) when making the order under section 198(2) that establishes an MDC for the area, or
- (b) by exercising the power to amend that order (see section 14 of the Interpretation Act 1978).

(7) Exercise by an MDC of functions mentioned in subsection (2) requires the Mayor's consent.

(8) If an MDC has the functions mentioned in subsection (2) it has them in place of the authority that would otherwise have them.

(9) For the purposes of subsection (2), a hereditament is a "qualifying hereditament" on a day if neither—
- (a) section 43(6) of the 1988 Act (charities and community amateur sports clubs), nor
- (b) section 47(5B) of the 1988 Act (certain organisations not established or conducted for profit),

applies on that day.

*Dissolution*

### 215 Reviews

It is the duty of the Mayor to review, from time to time, the continuing in existence of any existing MDCs.

### 216 Transfers of property, rights and liabilities

(1) The Mayor may at any time make a scheme (a "transfer scheme") transferring to a permitted recipient, upon such terms as the Mayor considers appropriate, any property, rights or liabilities which are for the time being vested in an MDC.

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(2) A transfer scheme may provide for a transfer to a person within paragraph (d), (e) or (f) of the definition of "permitted recipient" in subsection (4) only if the person consents.

(3) The Mayor must publish a transfer scheme as soon after it is made as is reasonably practicable.

(4) In this section—

"company" means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;

"functional body" has the meaning given by section 424(1) of the Greater London Authority Act 1999;

"permitted recipient" means—

(a) the Greater London Authority,

(b) a functional body other than the MDC concerned,

(c) a company that is a subsidiary of the Greater London Authority,

(d) a London borough council,

(e) the Common Council of the City of London, or

(f) any other person;

"subsidiary" has the meaning given by section 1159 of the Companies Act 2006.

### 217 Dissolution: final steps

(1) Subsection (2) applies if no property, no rights and no liabilities are vested in an MDC ("the MDC").

(2) The Mayor may request the Secretary of State to revoke the order under section 198(2) which established the MDC.

(3) If the Secretary of State receives a request under subsection (2), the Secretary of State must make an order giving effect to the request.

(4) Where the Secretary of State makes an order under subsection (3)—

(a) the MDC is dissolved on the coming into force of the order, and

(b) the Mayor must revoke the designation of the Mayoral development area for which the MDC was established.

(5) Where the Mayor makes a revocation under subsection (4)(b), the Mayor must—

(a) publicise the revocation, and

(b) notify the Secretary of State of the revocation.

*General*

### 218 Transfer schemes: general provisions

(1) In this section—

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"transfer scheme" means a scheme under section 200(1) or (4) or 216(1);

"transferee", in relation to a transfer scheme, means the person to whom property, rights or liabilities are transferred by the scheme;

"transferor", in relation to a transfer scheme, means the person from whom property, rights or liabilities are transferred by the scheme.

(2) The things that may be transferred under a transfer scheme include—

(a) property, rights or liabilities that could not otherwise be transferred;

(b) property acquired, and rights and liabilities arising, after the making of the scheme.

(3) A transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—

(a) make provision for certificates issued by the Secretary of State to be conclusive evidence that property has been transferred;

(b) create rights, or impose liabilities, in relation to property or rights transferred;

(c) make provision about the continuing effect of things done (or having effect as if done) by or in relation to the transferor in respect of anything transferred;

(d) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred;

(e) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee;

(f) make provision for the shared ownership or use of property.

(4) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to a transfer under a transfer scheme where the transfer relates to rights or liabilities under a contract of employment (whether or not it is a relevant transfer for the purposes of those regulations).

(5) A transfer scheme may provide—

(a) for modification by agreement;

(b) for modifications to have effect from the date when the original scheme came into effect.

(6) In this section "rights" and "liabilities" include rights, or (as the case may be) liabilities, in relation to a contract of employment.

## 219 Guidance by the Mayor

(1) The Mayor may give guidance to an MDC as to the exercise of any of the MDC's functions.

(2) Before giving guidance under this section, the Mayor must consult such persons as the Mayor considers appropriate.

(3) The Mayor must publish any guidance given under this section as soon as reasonably practicable after giving it.

(4) The Mayor may revoke guidance given under this section.

(5) The Mayor must—

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(a) consult, before revoking guidance given under this section, such persons as the Mayor considers appropriate, and

(b) publish the fact that guidance given under this section has been revoked as soon as reasonably practicable after the revocation of the guidance.

(6) An MDC must, in exercising its functions, have regard to any guidance given to it under this section that is for the time being in force.

(7) References in this section to giving guidance include references to giving guidance by varying existing guidance.

### 220 Directions by the Mayor

(1) The Mayor may give an MDC general or specific directions as to the exercise of any of the MDC's functions.

(2) The Mayor must publish any directions given under this Chapter by the Mayor as soon as reasonably practicable after giving them.

(3) The Mayor—

(a) may revoke any directions given under this Chapter by the Mayor, and

(b) must publish the fact that directions given under this Chapter have been revoked as soon as reasonably practicable after the revocation.

(4) An MDC must comply with any directions given by the Mayor under this Chapter that are in force in relation to the MDC.

(5) Subsections (2) and (3)(b) do not apply to directions given under paragraph 8(1) of Schedule 21.

(6) References in this Chapter to the Mayor giving directions include references to the Mayor giving directions by varying existing directions.

### 221 Consents

(1) A relevant consent may be given—

(a) unconditionally or subject to conditions, and

(b) generally or specifically.

(2) The Mayor may vary or revoke a relevant consent except in the case of anything already done, or agreed to be done, on the authority of it.

(3) A variation or revocation under subsection (2) does not have effect until the Mayor has served notice of it on the person to whom the relevant consent was given.

(4) In this section “relevant consent” means a consent of the Mayor required under this Chapter.

### 222 Consequential and other amendments

Schedule 22 (Mayoral development corporations: consequential and other amendments) has effect.

***Status:*** *Point in time view as at 15/01/2012. This version of this part contains provisions that are not valid for this point in time.*
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## CHAPTER 3

GREATER LONDON AUTHORITY GOVERNANCE

### 223 Delegation of functions by Ministers to the Mayor

(1) The Greater London Authority Act 1999 is amended as follows.

(2) After section 39 insert—

*"Delegation to Mayor of Ministers' functions*

**39A Delegation by Ministers**

(1) A Minister of the Crown may, to such extent and subject to such conditions as that Minister thinks fit, delegate to the Mayor any of that Minister's eligible functions.

(2) A function is eligible for the purposes of subsection (1) above if—
  (a) it does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
  (b) the Secretary of State considers that it can appropriately be exercised by the Mayor.

(3) No delegation under subsection (1) above, and no variation of a delegation under subsection (1) above, may be made without the agreement of the Mayor.

(4) Before making or varying a delegation under subsection (1) above, a Minister of the Crown must consult—
  (a) each London borough council,
  (b) the Common Council, and
  (c) the Assembly.

(5) A delegation under subsection (1) above may be revoked at any time by any Minister of the Crown.

(6) Section 38 above does not apply in relation to functions delegated under subsection (1) above."

(3) In section 409 (schemes for the transfer of property, rights and liabilities)—
  (a) after subsection (1) (Ministers may make schemes transferring property etc of the Crown) insert—

    "(1A) A Minister of the Crown may make a scheme for the transfer from the Authority to the Crown of such property, rights or liabilities as the Minister of the Crown may consider appropriate in consequence of the revocation of a delegation under section 39A(1) above of a function of any Minister of the Crown.", and
  (b) in subsections (6) and (7) (provision that may be included in scheme under subsection (1) or (2)) after "subsection (1)" insert " , (1A) ".

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**Commencement Information**

**I11** S. 223 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(cc)** (with arts. 6, 7, arts. 9-11)

## 224 Authority may be required to carry on commercial activities through a taxable body

(1) The Greater London Authority Act 1999 is amended as follows.

(2) After section 34 insert—

"**34A Restriction on exercise of certain powers except through a taxable body**

(1) The Authority may carry on specified activities for a commercial purpose only if it does so—
- (a) through a company that is a subsidiary of the Authority, or
- (b) in pursuance of an authorisation under section 38(1), through—
  - (i) a body that is specified in section 38(2) and is within the charge to corporation tax, or
  - (ii) a company that is a subsidiary of a body specified in section 38(2).

(2) Subsection (3) applies if—
- (a) the Authority carries on a specified activity for a commercial purpose otherwise than as permitted by subsection (1), and
- (b) the activity is actually carried on by a body (whether the Authority or another) that, disregarding this section, is in respect of the carrying-on of the activity exempt from corporation tax and income tax.

(3) The body mentioned in subsection (2)(b) is to be treated in respect of the carrying-on of the activity as not being a local authority for the purposes of—
- (a) section 984 of the Corporation Tax Act 2010 (exemption of local authorities from corporation tax),
- (b) section 838 of the Income Tax Act 2007 (exemption of local authorities from income tax), and
- (c) section 271 of the Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).

(4) In this section—

"company" means—
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
- (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969, and

"specified activity" means an activity specified in an order made by the Secretary of State with the consent of the Treasury."

***Status:*** *Point in time view as at 15/01/2012. This version of this part contains provisions that are not valid for this point in time.*
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(3) In section 420(8) (orders subject to annulment) after the entry for section 25 insert— " section 34A; ".

**Commencement Information**

**I12** S. 224 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(cc)** (with arts. 6, 7, arts. 9-11)

VALID FROM 03/05/2012

## 225 The London Environment Strategy

(1) Before section 352 of the Greater London Authority Act 1999 insert—

*"The Mayor's Environment Strategy for London*

### 351A **The London Environment Strategy**

(1) The Mayor shall prepare and publish a document to be known as the "London Environment Strategy" ("the Strategy").

(2) The Strategy must contain a general assessment by the Mayor of the environment in Greater London, so far as relevant to the functions of the Authority or of the Mayor.

(3) The Strategy must contain provisions dealing with the Mayor's policies and proposals in relation to each of the following matters in relation to Greater London—

(a) biodiversity;
(b) municipal waste management;
(c) climate change mitigation and energy;
(d) adaptation to climate change;
(e) air quality; and
(f) ambient noise.

(4) The provisions of the Strategy dealing with a matter specified in a paragraph of subsection (2) must also contain anything required to be included in them by any other provision of this Act.

(5) The Strategy may also include provisions dealing with the Mayor's policies and proposals in relation to any other matter relating to the environment in Greater London.

(6) In preparing or revising the provisions of the Strategy dealing with a matter mentioned in subsection (3), the Mayor's duty under section 42(1)(e) applies as if it were a duty to consult any person or body whom the Mayor considers it appropriate to consult in relation to those provisions (and section 42(2) applies accordingly).

(7) Where the Strategy is revised, the Mayor must publish it as revised.

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(8) In this Act references to the London Environment Strategy include, unless the context otherwise requires, a reference to the Strategy as revised.

351B **Guidance**

(1) The Secretary of State may give to the Mayor guidance—
  (a) about the content of the London Environment Strategy;
  (b) in relation to the preparation or revision of that Strategy.

(2) The guidance that may be given under subsection (1)(a) includes guidance as to matters which the Secretary of State considers the Mayor should, or should not, consider dealing with by formulating policies and proposals under section 351A(5).

(3) The guidance that may be given under subsection (1)(b) includes—
  (a) guidance specifying or describing the bodies or persons whom the Secretary of State considers the Mayor should consult in preparing or revising the London Environment Strategy or, as the case may be, the provisions dealing with a matter specified in the guidance;
  (b) guidance as to the evidence of environmental change or its consequences, or the predictions of environmental change or its consequences, to which the Secretary of State considers the Mayor should have regard in preparing or revising that Strategy or, as the case may be, the provisions dealing with a matter specified in the guidance.

(4) In preparing or revising the London Environment Strategy the Mayor must have regard to any relevant guidance given under this section.

351C **Directions as to the content of the London Environment Strategy**

(1) Where the Secretary of State considers that any of the conditions specified in subsection (2) is satisfied in relation to any provisions of the London Environment Strategy, the Secretary of State may give the Mayor a direction as to the content of those provisions.

(2) The conditions are—
  (a) that the provisions are inconsistent with any policies announced by Her Majesty's government with respect to the matters to which they relate and the inconsistency would have a detrimental effect on achieving any of the objectives of those policies;
  (b) that the provisions or their implementation are likely to be detrimental to any area outside Greater London;
  (c) that the provisions are inconsistent with any EU obligation of the United Kingdom.

(3) A direction under this section may require the Mayor to make specified revisions of the London Environmental Strategy.

(4) The power of the Secretary of State to give a direction under this section may only be exercised after consultation with the Mayor.

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(5) Where the Secretary of State gives a direction under this section, the Mayor must comply with the direction."

(2) Schedule 23 (which contains minor and consequential amendments to the Greater London Authority Act 1999 relating to the London Environment Strategy) has effect.

VALID FROM 03/05/2012

**226 Abolition of Mayor's duty to prepare state of the environment reports**

Section 351 of the Greater London Authority Act 1999 (which provides for four-yearly reports by the Mayor on the environment in Greater London) ceases to have effect.

VALID FROM 03/05/2012

**227 Mayoral strategies: general duties**

(1) Section 41 of the Greater London Authority Act 1999 (general duties of the Mayor in relation to his strategies) is amended as follows.

(2) In subsection (5)(a), for "and with such international obligations" substitute " , with the EU obligations of the United Kingdom and with such other international obligations of the United Kingdom ".

(3) After subsection (9) insert—

"(9A) In exercising any function the Mayor must have regard to any strategy mentioned in subsection (1) which is relevant to the exercise of that function."

(4) Subsection (10) ceases to have effect.

VALID FROM 03/05/2012

**228 Simplification of the consultation process for the Mayor's strategies**

(1) Section 42A of the Greater London Authority Act 1999 (which requires the Mayor to follow a two stage process in preparing or revising a strategy to which section 42 applies) ceases to have effect.

(2) In section 335 of that Act (public participation in preparation of the spatial development strategy)—

(a) subsections (1) to (1B) cease to have effect,

(b) in subsection (2), for the words from the beginning to "finally" substitute " Before ", and

(c) in subsection (3), after paragraph (a) insert—

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"(aa) the Assembly and the functional bodies;".

VALID FROM 03/05/2012

**229 London Assembly's power to reject draft strategies**

Before section 43 of the Greater London Authority Act 1999 (publicity and availability of strategies) insert—

"42B **Assembly's power to reject draft strategies**

(1) This section applies where the Mayor has prepared, and is ready to publish, a draft of any of the strategies to which section 41 applies (including a revised version of the strategy).

(2) But this section does not apply to a revised version of a strategy containing only revisions which—

(a) are specified in a direction as to the contents of the strategy which is given to the Mayor under this Act (or which the Mayor considers are necessary in consequence of any revisions so specified); or

(b) are not so specified but the Mayor considers to be necessary to comply with such a direction.

(3) Before publishing the strategy (or, in the case of the housing strategy, before submitting the draft to the Secretary of State) the Mayor must lay a copy of the draft before the Assembly in accordance with the standing orders of the Authority.

(4) The Mayor must not publish the strategy (or, in the case of the housing strategy, submit the draft to the Secretary of State) if, within the period of 21 days beginning with the day on which the copy is laid before the Assembly, the Assembly resolves to reject the draft.

(5) A motion for the Assembly to reject a draft strategy—

(a) must be considered at a meeting of the Assembly throughout which members of the public are entitled to be present; and

(b) is not carried unless it is agreed to by at least two thirds of the Assembly members voting."

**230 Sharing of administrative etc services by London authorities**

(1) Section 401A of the Greater London Authority Act 1999 (sharing of administrative etc services by the Greater London Authority and functional bodies) is amended as follows.

(2) In subsection (1) (definition of "constituent body")—

(a) for "constituent body" substitute " relevant London authority ", and

(b) at the end of paragraph (b) insert ",

(c) the London Pensions Fund Authority,

(d) the London Transport Users' Committee,

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(e) the Commissioner of Police of the Metropolis, and

(f) such person or body falling within subsection (1A) as the Secretary of State may specify by order."

(3) After that subsection insert—

"(1A) A person or body falls within this subsection if the person or body exercises functions of a public nature in relation only to—

(a) Greater London,

(b) a part of Greater London, or

(c) a part of England including Greater London or a part of Greater London."

(4) In subsection (2) (power of constituent bodies to enter into arrangements for provision of administrative etc services) for "constituent bodies" substitute " relevant London authorities ".

(5) In subsection (3) (arrangements may include discharge of functions by one constituent body on behalf of another)—

(a) for "constituent bodies" substitute " relevant London authorities ", and

(b) for "constituent body" substitute " relevant London authority ".

(6) In subsection (4) (power of constituent bodies to form joint committees) for "constituent bodies" substitute " relevant London authorities ".

(7) In subsection (5) (joint committee to be treated as separate from constituent bodies for purposes of section)—

(a) for "constituent body" substitute " relevant London authority ", and

(b) for "constituent bodies" substitute " relevant London authorities ".

(8) After subsection (6) insert—

"(6A) The Secretary of State must consult a person or body before making an order under subsection (1)(f) specifying that person or body."

(9) In section 420(8) of that Act (orders subject to annulment) after the entry for section 395 insert " section 401A(1)(f); ".

**Commencement Information**

**I13** S. 230 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(dd)** (with arts. 6, 7, arts. 9-11)

VALID FROM 03/05/2012

## 231 Transport for London: access to meetings and documents etc

(1) Part 5A of the Local Government Act 1972 (access to meetings and documents) is amended as follows.

(2) Amend section 100J (application of Part 5A to bodies other than principal councils) in accordance with subsections (3) to (6).

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(3) In subsection (1) (list of authorities treated as principal councils for the purposes of the Part) after paragraph (bd) insert—

"(be) Transport for London;".

(4) In subsection (3) (reference in section 100A(6)(a) to council's offices includes other premises at which meeting to be held) after "(bd)," insert " (be), ".

(5) After subsection (3) insert—

"(3YA) In its application by virtue of subsection (1)(be) above in relation to Transport for London, section 100E(3) has effect as if for paragraph (bb) there were substituted—

"(bb) a committee of Transport for London (with "committee", in relation to Transport for London, here having the same meaning as in Schedule 10 to the Greater London Authority Act 1999); or""

(6) After subsection (4A) insert—

"(4AA) In its application by virtue of subsection (1)(be) above in relation to Transport for London, section 100G shall have effect—

(a) with the substitution for subsection (1)(a) and (b) of—

"(a) the name of every member of the council for the time being; and

(b) the name of every member of each committee or sub-committee of the council for the time being.", and

(b) with the insertion in subsection (2)(b) after "exercisable" of ", but not an officer by whom such a power is exercisable at least partly as a result of sub-delegation by any officer"."

(7) In section 100K(1) (interpretation of Part 5A) in the definition of "committee or sub-committee of a principal council" for "section 100J(3ZA)(b)" substitute " section 100J(3YA), (3ZA)(b) ".

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