
Changes to legislation: There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 23

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

- 1 The Local Government Act 1972 is amended as follows.
- 2 In section 100E (application of Part 5A to committees and sub-committees), in subsection (3) after paragraph (b) insert—
 - “(bba) a committee in place by virtue of section 107D(3)(c)(ii) of the Local Democracy, Economic Development and Construction Act 2009;
 - “(bbb) a joint committee in place by virtue of section 107E of that Act;”.
- 3 In section 100J (application of Part 5A to new authorities etc)—
 - (a) in subsection (1) after paragraph (be) insert—
 - “(bf) a sub-national transport body;”;
 - (b) in subsection (3), after “(be),” insert “(bf),”;
 - (c) in subsection (4), in paragraph (a) after “joint authority,” insert “ a sub-national transport body, ”.
- 4 In section 101 (arrangements for discharge of functions by local authorities)—
 - (a) after subsection (1C) insert—
 - “(1D) A combined authority may not arrange for the discharge of any functions under subsection (1) if, or to the extent that, the function is a mayoral function of a mayor for the area of the authority.
 - (1E) “Mayoral function” has the meaning given by section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009.”;
 - (b) after subsection (5B) insert—
 - “(5C) Arrangements under subsection (5) by two or more local authorities with respect to the discharge of any of their functions cease to have effect with respect to that function if, or to the extent that, the function becomes a general function of a mayor for the area of a combined authority.
 - (5D) Subsection (5C) does not prevent arrangements under subsection (5) being entered into in respect of that function by virtue of section 107E of the Local Democracy, Economic Development and Construction Act 2009 (joint exercise of general functions).
 - (5E) In subsection (5C), “general functions” has the meaning given in section 107D(2) of that Act.”;

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(c) in subsection (13) after “combined authority,” insert “ a sub-national transport body, ”.

5 In section 270 (general provisions as to interpretation), in subsection (1) after the definition of “specified papers” insert—

““sub-national transport body” means a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Local Government Act 1985

6 The Local Government Act 1985 is amended as follows.

7 In section 72 (accounts and audit), for subsection (5) substitute—

“(5) Any reference in this section to a new authority includes a reference to—

- (a) the London Fire and Emergency Planning Authority;
- (b) a sub-national transport body established under section 102E of the Local Transport Act 2008;
- (c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

8 In section 73 (financial administration), in subsection (2) after “reference to” insert “—

- (a) a sub-national transport body established under section 102E of the Local Transport Act 2008;
- (b)”.

Local Government Finance Act 1988

9 The Local Government Finance Act 1988 is amended as follows.

10 In section 74 (levies), omit subsection (9).

11 In section 143 (orders and regulations), after subsection (4A) insert—

“(4B) The power to make regulations under section 74 above, so far as they are made in relation to a combined authority by virtue of subsection (8) of that section, shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.”

Local Government and Housing Act 1989

12 (1) The Local Government and Housing Act 1989 is amended as follows.

- (2) In section 4 (designation and reports of head of paid service), in subsection (6)(a) for “, (ja) and (jb)” substitute “ and (ja) to (jc) ”.
- (3) In section 13 (voting rights of members of certain committees: England and Wales), in the definition of “relevant authority” in subsection (9), for “(jb)” substitute “ (jc) ”.
- (4) In section 20 (duty to adopt certain procedural standing orders), in subsection (4)(a) for “(jb)” substitute “ (jc) ”.
- (5) In section 21 (interpretation of Part 1 of Act), in subsection (1) after paragraph (jb) insert—

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“(jc) a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Railways Act 1993

- 13 (1) Section 24A of the Railways Act 1993 (Secretary of State franchise exemptions: operator agreements) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), after sub-paragraph (i) insert—
“(ia) an STB;”;
 - (b) in paragraph (b), after “Executive” insert “ , an STB ”;
 - (c) in paragraph (c)(i), after “Executive” insert “ , STB ”;
 - (d) in paragraph (c)(ii), after “Executive” insert “ , STB ”.
- (3) In subsection (5)—
- (a) in paragraph (a) of the definition of “relevant company”, after “Executive” insert “ , an STB ”;
 - (b) in paragraph (b) of that definition, after “Executive” insert “ , an STB ”;
 - (c) after that definition insert—
““STB” means a sub-national transport body established under section 102E of the Local Transport Act 2008.”

Environment Act 1995

- 14 (1) Section 65 of the Environment Act 1995 (National Park authorities: general purposes and powers) is amended as follows.
- (2) In subsection (5), after paragraph (b) insert—
“Paragraph (b) is subject to subsection (6A).”
- (3) After subsection (6) insert—
“(6A) Subsection (5)(b) does not apply in relation to a National Park authority for a National Park in England (see instead section 65A for general powers of such authorities).”

Local Government Act 1999

- 15 In section 1 of the Local Government Act 1999 (best value authorities), in subsection (1) after paragraph (hb) insert—
“(hc) a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Freedom of Information Act 2000

- 16 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 2 (local government: England and Wales), after paragraph 28 insert—
“28A A sub-national transport body established under section 102E of the Local Transport Act 2008.”

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Local Democracy, Economic Development and Construction Act 2009

- 17 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- 18 (1) Section 91 (exercise of local authority functions) is amended as follows.
- (2) In subsection (1), after “an area” insert “ all or part of which is ”.
- (3) In subsection (4)—
- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert—
- “(c) for the function to be exercisable by the EPB and the local authority jointly, or
- (d) for the function to be exercisable by the EPB jointly with the local authority but also continue to be exercisable by the local authority alone.”
- 19 In section 104 (constitution and functions: transport), after subsection (2) insert—
- “(2A) But section 85 of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2B) and (2C).
- (2B) If the area of the combined authority includes the area of the whole of a county that comprises the areas of one or more district councils, the representative councils for the purposes of section 85(1)(c) of that Act (as applied to a combined authority) are either the county council or the council for each of the districts (as determined by or in accordance with the order).
- (2C) In relation to a mayoral combined authority, section 85(4) of that Act is not to be taken as preventing the mayor from being a voting member of the authority.
- (2D) An order under subsection (1)(c) may include provision for a function exercisable by a local authority in relation to an area all or part of which is comprised in the combined authority's area to be exercisable by the combined authority in relation to the combined authority's area.”
- 20 In section 106 (changes to boundaries of combined authority's area), in subsection (2) omit “and” at the end of paragraph (a).
- 21 (1) Section 107 (dissolution of combined authority's area) is amended as follows.
- (2) In subsection (2)—
- (a) for “only if a majority” substitute “only if—
- (a) a majority”;
- (b) after “the order” insert “, and
- (b) in the case of an order made in respect of a mayoral combined authority, the mayor for the area of the authority also consents to the making of the order.”
- (3) After subsection (4) insert—
- “(4A) The order—
- (a) may transfer functions from the combined authority to any other public authority;

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- (b) may provide for any function of the combined authority to no longer be exercisable in relation to the combined authority's area.”
- 22 In section 111 (review by authorities: existing combined authority), in subsection (3)(a), for “any of sections 104 to 107” substitute “ section 104, 105, 106 or 107 ”.
- 23 In section 112 (preparation and publication of scheme: existing combined authority), in subsection (1), for “sections 104 to 107” substitute “ sections 104, 105, 106 and 107 ”.
- 24 In section 113 (requirements in connection with changes to existing combined arrangements), after subsection (3) insert—
- “(4) This section does not apply to an order under section 106(1)(b) that is made as a result of the duty in section 105B(5) or 107B(4).”
- 25 In section 113A (general power of EPB or combined authority), after subsection (3) insert—
- “(4) This section does not apply in relation to a combined authority in respect of which an order under section 113D has effect.”
- 26 (1) Section 114 (incidental etc. provision) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- (3) Omit subsection (2).
- (4) In subsection (3), for “by virtue of subsection (2)” substitute “ in an order under this section by virtue of section 117(5) ”.
- 27 In section 115 (transfer of property, rights and liabilities), in subsection (1) after “liabilities” insert “ (including criminal liabilities) ”.
- 28 In section 116 (consequential amendments), after subsection (1) insert—
- “(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the references to the Secretary of State were references to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- 29 (1) Section 117 (orders) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) An order under this Part may make different provision for different authorities or descriptions of authority or otherwise for different purposes.”
- (3) After subsection (4) insert—
- “(5) An order under any provision of this Part, other than an order under section 116 or an order mentioned in subsection (2A)(a) or (b), may include provision amending, applying (with or without modifications), disapplying, repealing or revoking any enactment whenever passed or made.”
- 30 (1) In section 120 (interpretation)—
- (a) after the definition of “combined authority” insert—

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““deputy mayor” has the meaning given by section 107C(7);

“general functions” has the meaning given by section 107D(2);”;

(b) after the definition of “local government area” insert—

““mayor”, in relation to the area of a combined authority, means the mayor for the area of the authority by virtue of an order under section 107A(1);

“mayoral combined authority” has the meaning given by section 107A(8);

“PCC functions” has the meaning given by section 107F(3);”.

Equality Act 2010

31 In Schedule 19 to the Equality Act 2010 (public authorities), in Part 1 (general), after the entry “A joint authority established under Part 4 of that Act for an area in England (including, by virtue of section 77(9) of the Local Transport Act 2008, an Integrated Transport Authority established under Part 5 of that Act of 2008)” insert — “ A sub-national transport body established under section 102E of the Local Transport Act 2008. ”

Localism Act 2011

32 The Localism Act 2011 is amended as follows.

33 (1) Section 15 (power to transfer local public functions to permitted authorities) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for “a permitted authority” substitute “ an EPB ”;

(b) in paragraph (b), for “permitted authorities” substitute “ EPBs ”.

(3) Omit subsection (4).

(4) In subsections (6) and (7), for “permitted authority” substitute “ EPB ”.

(5) In subsection (8), for “a permitted authority” substitute “ an EPB ”.

34 In section 17 (transfer schemes), in subsection (1), for “permitted authority” substitute “ EPB ”.

35 (1) Section 18 (duty to consider proposals for exercise of powers under sections 15 and 17) is amended as follows.

(2) In subsection (1)—

(a) for “a permitted authority” substitute “ an EPB ”;

(b) in paragraph (b), for “permitted authority” substitute “ EPB ”.

(3) In subsection (3), in paragraph (a), for “permitted authority” substitute “ EPB ”.

36 In section 20 (interpretation) at the appropriate place insert—

““EPB” means an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;”.

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Local Audit and Accountability Act 2014

- 37 (1) The Local Audit and Accountability Act 2014 is amended as follows.
- (2) In section 40 (access to local government meetings and documents), in subsection (6) after paragraph (j) insert—
- “(ja) a sub-national transport body.”.
- (3) In section 44 (interpretation of Act), in subsection (1) after the definition of “special trustees for a hospital” insert—
- ““sub-national transport body” means a sub-national transport body established under section 102E of the Local Transport Act 2008.”.
- (4) In Schedule 2 (relevant authorities), after paragraph 28 insert—
- “28A A sub-national transport body.”

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