



# Cities and Local Government Devolution Act 2016

## 2016 CHAPTER 1

*Combined and local authorities: governance, constitution and functions etc*

### 17 Section 16: procedure etc

- (1) The Secretary of State may make regulations under section 16 only if—
  - (a) the relevant local authority by whom a function becomes exercisable by virtue of the regulations consents, <sup>F1</sup>...
  - (b) the Secretary of State considers that the making of the regulations is likely to improve [<sup>F2</sup>the economic, social and environmental well-being of some or all of the people who live or work] in the relevant local authority's area [<sup>F3</sup>, and
  - (c) where subsection (4A) applies to the regulations, the Secretary of State has had regard to the matters in subsection (4B).]
- (2) The power to make regulations under section 16—
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
  - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act whenever passed or made.
- (3) The requirement in subsection (1)(a) for the relevant local authority to consent to the making of regulations under section 16 does not apply where—
  - (a) the regulations revoke (in whole or in part), or otherwise amend, previous regulations under that section, and
  - (b) the only purpose of the regulations is to provide for a health service function of the relevant local authority to cease to be exercisable by the authority (which may include provision under subsection (2)(b) in relation to that purpose).
- (4) In subsection (3)(b), “health service function of a relevant local authority” means a function which—

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*Changes to legislation:* There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Section 17. (See end of Document for details)

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- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
- (b) is exercisable by the authority by virtue of regulations under section 16.

[<sup>F4</sup>(4A) This subsection applies to regulations under section 16 that—

- (a) revoke or otherwise amend previous regulations under that section, and
- (b) are made in response to a notification from a local authority under section 9NC(3) or [9ND\(4\)](#) of the Local Government Act 2000 (transfer of functions: changes in governance arrangements) of a proposed change in governance arrangements.

(4B) The matters mentioned in subsection (1)(c) are—

- (a) the circumstances of the area of the local authority, and
- (b) the likely impact of the change in governance arrangements on—
  - (i) the economic, social and environmental well-being of some or all of the people who live or work in the area of the local authority, and
  - (ii) the accountability and decision-making of the local authority.]

[<sup>F5</sup>(4C) The requirement in subsection (1)(b) does not apply to the making of regulations under section 16 where subsection (4A) applies to those regulations.]

- (5) A statutory instrument containing regulations under section 16 may be made only if a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (6) At the same time as laying a draft of a statutory instrument containing regulations under section 16 before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (7) The report must include—
  - (a) a description of any consultation taken into account by the Secretary of State,
  - (b) information about any representations considered by the Secretary of State in connection with the regulations, and
  - (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.
- (8) If a draft of regulations under section 16 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

#### Textual Amendments

- F1** Word in s. 17(1)(a) omitted (26.10.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 72\(6\)\(a\)\(i\), 255\(2\)\(k\)](#) (with s. 247)
- F2** Words in s. 17(1)(b) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 73\(a\), 255\(2\)\(l\)](#) (with s. 247)
- F3** S. 17(1)(c) and word inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 72\(6\)\(a\)\(ii\), 255\(2\)\(k\)](#) (with s. 247)
- F4** S. 17(4A)(4B) inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 72\(6\)\(b\), 255\(2\)\(k\)](#) (with s. 247)
- F5** S. 17(4C) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 73\(b\), 255\(2\)\(l\)](#) (with s. 247)

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**Changes to legislation:** There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Section 17. (See end of Document for details)

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**Commencement Information**

**II** S. 17 in force for certain purposes at Royal Assent and at 28.3.2016 otherwise by s. 25(2)(a)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Section 17.