



# 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, and
  - (b) the Secretary of State considers that the making of the regulations is likely to improve the exercise of statutory functions in the relevant local authority's area.
- (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—
  - (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.