

2012 No. 666

LONDON GOVERNMENT

The Localism Act 2011 (Housing and Regeneration Functions in Greater London) (Consequential, Transitory, Transitional and Saving Provisions) Order 2012

Made - - - - *2nd March 2012*

Laid before Parliament *7th March 2012*

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 194(1) and 236(1) of the Localism Act 2011(a), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Localism Act 2011 (Housing and Regeneration Functions in Greater London) (Consequential, Transitory, Transitional and Saving Provisions) Order 2012.

(2) This Order comes into force on 31st March 2012, with the exception of article 8(1) so far as it relates to paragraph 2 of Schedule 1, which comes into force on 1st April 2012.

Interpretation

2. In this Order—

“the Agency” means the London Development Agency;

“the Authority” means the Greater London Authority;

“the commencement date” means 31st March 2012.

General saving provision

3. The abolition of the Agency (b) does not affect the validity of anything done by, on behalf of or in relation to the Agency before the commencement date.

(a) 2011 c.20

(b) Section 191(1) of the Localism Act 2011, which abolishes the Agency, was brought into force on 31st March 2012 by S.I. 2012/628.

Provision for continuity in the exercise of functions

4.—(1) Anything which, before the commencement date, is in the process of being done by, on behalf of or in relation to the Agency may be continued, on and after that date, by or on behalf of or in relation to the Authority.

(2) Anything done (or having effect as if done) by or in relation to the Agency before the commencement date, has effect on and after that date as if done by or in relation to the Authority, so far as that is required for continuing its effect on and after that date.

(3) The reference in paragraphs (1) and (2) to anything done, or in the process of being done, by or in relation to the Agency includes without limitation any applications made or any authorisations or notices given, to, by or in relation to the Agency.

Transitional provision in relation to investigations under the Local Government Act 1974

5. An investigation may be begun in accordance with Part 3 of the Local Government Act 1974(a) on or after the commencement date in relation to the actions or failures to act of the Agency before the commencement date, but in such a case the provisions of that Part shall have effect as if the actions or failures concerned were actions or failures of the Authority.

Transitory provision: final annual accounts of the London Development Agency

6.—(1) The Authority must prepare a statement of the accounts of the Agency for the financial year ending on 31st March 2012 (“the final annual accounts”) in accordance with the provisions of Part 2 of the Audit Commission Act 1998(b).

(2) The Authority must send a copy of the final annual accounts to the Audit Commission by 30th June 2012.

(3) As soon as the final annual accounts have been examined, certified and reported on by the Audit Commission, the Authority must send to the Secretary of State a copy of the accounts together with the Audit Commission’s report on them.

Transitory provision: final annual report on the London Development Agency

7. The Authority must, by 30th September 2012, make a report to the Secretary of State on the exercise and performance by the Agency of its functions during the financial year ending on 31st March 2012 (“the final report”) and must include in the final report—

- (a) a copy of the audited final annual accounts prepared under article 6; and
- (b) a copy of the Audit Commission’s report.

Amendments of secondary legislation

8.—(1) The amendments specified in Schedule 1 have effect.

(2) The revocations specified in Schedule 2 have effect.

2nd March 2012

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) 1974 c.7. By section 25(1)(bbb), inserted by sections 394(1) and (2) of the Greater London Authority Act 1999 c.29, the Agency is made an authority subject to investigation. Other amendments to Part 3 are not directly relevant to this Order.

(b) 1998 c.18. By paragraph 1(bc) to Schedule 2, (“functional body” inserted by section 133(1) of the Greater London Authority Act 1999, is defined by section 424(1) of that Act), the accounts of the Agency are subject to audit. Other amendments to the Part are not directly relevant to this Order.

SCHEDULE 1

Article 8(1)

Amendments

European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008

1. In regulation 2 (interpretation) of the European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008(a), for the definition of “London region” substitute—

““London region” has the same meaning as “Greater London” in section 2 of the London Government Act 1963(b);”.

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

2.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(c) is amended as follows.

(2) In section 2 of Schedule 1 (planning and development)—

(a) after paragraph 9 insert—

“9A. A Mayoral development corporation within the meaning of section 198 of the Localism Act 2011.”; and

(b) omit paragraph 41A.

(3) In section 3 of Part 2 of Schedule 2 (planning and development) after paragraph 2 insert—

“2A. Olympic Park Legacy Company Limited.”.

SCHEDULE 2

Article 8(2)

Revocations

<i>Reference</i>	<i>Title</i>	<i>Extent of revocation</i>
S.I. 1997/2862(d)	Local Authorities (Contracts) Regulations 1997	In regulation 5(1), sub-paragraph (h)
S.I. 2003/1907(e)	Greater London Authority Elections (Election Addresses) Order 2003	In article 9(3), in sub-paragraph (d)(i), the words “, the London Development Agency”
S.I. 2007/75(f)	Rural Development (Enforcement) (England) Regulations 2007	In regulation 2(1), in the definition of “delivery body”, in (c), the words “except the London Development Agency”

(a) S.I. 2008/1342; there are amendments not relevant to this Order.

(b) 1963 c.33

(c) S.I. 1999/2277; amended by S.I. 2010/903; there are other amendments not relevant to this Order.

(d) S.I. 1997/2862, amended by S.I. 2000/1033; there are other amendments not relevant to this Order.

(e) S.I. 2003/1907; there are amendments not relevant to this Order.

(f) S.I. 2007/75; there are amendments not relevant to this Order.

S.I. 2009/1360	Audit Commission for Local Authorities and the National Health Service in England (Specified Organisations) (England) Order 2009	In article 2, paragraph (q)
S.I. 2010/948(a)	Community Infrastructure Levy Regulations 2010	In regulation 60(8), the words “; or (b) the London Development Agency”

EXPLANATORY NOTE

(This note is not part of the Order)

Section 191(1) of the Localism Act 2011 (“the Act”) abolishes the London Development Agency (“the Agency”) from the date section 191(1) is brought into force, namely, 31st March 2012. The Act also makes amendments to, and repeals, primary legislation in consequence of the Agency’s abolition.

This Order makes amendments consequential on the abolition of the Agency and the transfer of its property, assets and liabilities to the Greater London Authority (article 8 and Schedules 1 and 2).

In addition, the Order makes a further amendment to secondary legislation (article 8 and paragraph 2 of Schedule 1). The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 is amended in consequence of the changes made by Part 8 of the Act (but unrelated to the abolition of the Agency).

The Order makes transitory, transitional and saving provision to ensure continuity between things done by the Agency prior to 31st March and the assumption by the Greater London Authority of its new functions. Specific provision is made in relation to investigations under the Local Government Act 1974 and the preparation of the final annual accounts and final annual report (articles 3 to 7).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) S.I. 2010/948; there are amendments not relevant to this Order.

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