



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 2

OTHER PROVISION

Combined authorities

66 Proposal for changes to existing combined arrangements

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (9).
- (2) Omit sections 111 (review by authorities: existing combined authority) and 112 (preparation and publication of scheme: existing combined authority).
- (3) Before section 113 insert—

“112A Proposal for changes to existing combined arrangements

- (1) One or more authorities to which this section applies may—
 - (a) prepare a proposal for the making of an order under section 104, 105, 105A, 106, 107, 107A, 107D or 107F in relation to an existing combined authority, and
 - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
 - (a) the combined authority;
 - (b) a county council the whole or any part of whose area is within the area of the combined authority;

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- (c) a district council whose area is within the area of the combined authority;
 - (d) in the case of a proposal for the making of an order under section 106 to add all or part of the area of a county council to the area of the combined authority, that county council;
 - (e) in the case of a proposal for the making of an order under section 106 to add the area of a district council to the area of the combined authority, that district council.
- (3) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
- (a) carry out a public consultation across—
 - (i) the area of the combined authority, and
 - (ii) in the case of a proposal for the making of an order under section 106 to add a local government area to the area of the combined authority, that local government area, and
 - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (4) The requirements in subsection (3) may be satisfied by things done before the coming into force of this section.
- (5) Before a proposal under this section for the making of an order is submitted to the Secretary of State, each person who would have to consent to the making of the order must consent to the submission of the proposal.
- (6) If a proposal under this section is submitted to the Secretary of State by an authority, the authority is to be treated as having consented to its submission for the purposes of [subsection \(5\)](#).
- (7) In determining for the purposes of [subsection \(5\)](#) who would have to consent to the making of an order under section 105A, subsections (3) and (4) of section 105B (limited consent requirements) are to be disregarded.
- (8) In determining for the purposes of [subsection \(5\)](#) who would have to consent to the making of an order under section 107A, section 107B(3)(b) (limited consent requirements) is to be disregarded.
- (9) A proposal under this section must specify the purposes to be achieved by the order which it proposes should be made.
- (10) The Secretary of State may by regulations—
- (a) make further provision about the matters which must be addressed by a proposal under this section;
 - (b) make provision about material which must be included in or submitted with a proposal under this section.
- (11) Regulations under [subsection \(10\)](#) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
- (4) Section 113 (requirements in connection with changes to existing combined arrangements) is amended in accordance with subsections (5) to (9).
- (5) In subsection (1), for “106 or 107” substitute “105A, 106, 107, 107A, 107D or 107F”.

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- (6) In subsection (1), for paragraph (a) (and the “and” at the end of that paragraph) substitute—
- “(a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
 - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
 - (ab) where a proposal for the making of the order has been submitted under section 112A, the Secretary of State considers that making the order will achieve the purposes specified under [subsection \(9\)](#) of that section, and”.
- (7) For subsection (1A) substitute—
- “(1A) If a proposal for the making of the order has been submitted under section 112A, the Secretary of State must have regard to the proposal in making the order.”
- (8) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—
- “(a) a proposal has been prepared under section 112A,
 - (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and”.
- (9) Omit subsection (3).
- (10) This section does not affect—
- (a) the operation of section 111 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or
 - (b) the operation of section 112 of that Act in relation to the preparation and publication of a scheme following such a review.
- (11) The amendments made by subsections [\(5\)](#) to [\(9\)](#) do not apply to section 113 of that Act as it has effect in relation to—
- (a) the making of an order in response to a scheme under section 112 of that Act, or
 - (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.
- (12) The requirement to consult under section 113(2) of the Local Democracy, Economic Development and Construction Act 2009, as amended by this section, may be satisfied by consultation before (as well as after) the passing of this Act.

Commencement Information

II S. 66 in force at Royal Assent, see [s. 255\(2\)\(i\)](#)

Changes to legislation:

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