



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 1

DEMOCRACY AND INVOLVEMENT

CHAPTER 3

INVOLVEMENT IN FUNCTIONS OF PUBLIC AUTHORITIES

23 Duty of public authorities to secure involvement

(1) Where an authority to which this section applies considers it appropriate for representatives of interested persons (or of interested persons of a particular description) to be involved in the exercise of any of its relevant functions by being—

- (a) provided with information about the exercise of the function,
- (b) consulted about the exercise of the function, or
- (c) involved in another way,

it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.

(2) This section applies to the following authorities—

- (a) the Arts Council of England;
- (b) the English Sports Council;
- (c) the Environment Agency;
- (d) the Health and Safety Executive;
- (e) the Historic Buildings and Monuments Commission for England;
- (f) the Homes and Communities Agency;
- (g) the Museums, Libraries and Archives Council;
- (h) Natural England;

Status: This is the original version (as it was originally enacted).

- (i) a regional development agency;
 - (j) a police authority in England;
 - (k) a chief officer of police for a police force in England;
 - (l) a local probation board for an area in England or a probation trust (other than a Welsh probation trust as defined by paragraph 13(6) of Schedule 1 to the Offender Management Act 2007 (c. 21));
 - (m) a youth offending team for an area in England;
 - (n) the Secretary of State.
- (3) In this section, “relevant functions” means—
- (a) in relation to an authority specified in subsection (2)(a) to (m), all the functions of the authority except in so far as those functions are not exercisable in or in relation to England;
 - (b) in relation to the Secretary of State, the Secretary of State’s functions under—
 - (i) section 2 of the [Employment and Training Act 1973 \(c. 50\)](#) (arrangements with respect to obtaining etc employment or employees), and
 - (ii) sections 2 and 3 of the Offender Management Act 2007 (c. 21) (responsibility for ensuring the provision of probation services throughout England and Wales),
 except in so far as those functions are not exercisable in relation to England.
- (4) Subsection (1) does not require an authority to take a step—
- (a) if the authority does not have the power to take the step apart from this section, or
 - (b) if the step would be incompatible with any duty imposed on the authority apart from this section.
- (5) Subsection (1) does not apply in such cases as the Secretary of State may by order made by statutory instrument specify.
- (6) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “interested person”, in relation to a relevant function, means a person who is likely to be affected by, or otherwise interested in, the exercise of the function;
 - “representative” means, in relation to interested persons or a description of interested person, a person who appears to an authority to which this section applies to be representative of the interested persons;
 - “regional development agency” means a development agency established by section 1 of the [Regional Development Agencies Act 1998 \(c. 45\)](#).
- (8) The Secretary of State’s functions under this section by virtue of subsection (3)(b)(ii) are functions to which section 2(1)(c) of the Offender Management Act 2007 (c. 21) (functions to be performed through arrangements under section 3 of that Act) applies.

24 Duty of public authorities to secure involvement: guidance

- (1) The Secretary of State may give guidance to authorities to which section 23 applies (other than the Secretary of State) in relation to the discharge of their duties under that section.
- (2) Guidance under this section—
 - (a) may be given generally or to one or more particular authorities;
 - (b) may be different for different authorities;
 - (c) must be published.
- (3) Before giving guidance under this section the Secretary of State must consult the authority or authorities to which it is given.
- (4) An authority to which section 23 applies must, in deciding how to fulfil its duties under that section, have regard to any guidance given to it under this section.