
STATUTORY INSTRUMENTS

2021 No. 112

The West Yorkshire Combined Authority
(Election of Mayor and Functions) Order 2021

PART 4

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

10.—(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)⁽¹⁾;
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of —

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

⁽¹⁾ Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function referred to at sub-paragraph (e) of paragraph (1) is subject to the condition set out in article 12.

Acquisition and appropriation of land for planning and public purposes

11.—(1) The functions of the constituent councils specified in the following provisions as applied by article 13(2) to (5) are exercisable by the Combined Authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)**(2)**;
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)**(3)**;
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)**(4)**;
- (i) section 238 of the 1990 Act (use and development of consecrated land);
- (j) section 239 of the 1990 Act (use and development of burial grounds);
- (k) section 241 of the 1990 Act (use and development of open spaces);
- (l) section 17 of the 1985 Act (acquisition of land for housing purposes)**(5)**; and
- (m) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The functions are exercisable concurrently with the constituent councils.

(3) The exercise of the functions referred to at sub-paragraphs (a) and (l) of paragraph (1) is subject to the condition set out in article 12.

Condition on the exercise of the functions conferred by articles 10 and 11

12. The exercise of the functions in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of—

- (a) each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order whose area contains any part of the land subject to the proposed compulsory acquisition, or
- (b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority.

(2) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(3) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(4) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(5) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

Application of provisions of the 1985 Act, the 1990 Act and the 2008 Act

13.—(1) This article has effect in consequence of articles 10 and 11.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 11(1)(l) and (m) the Combined Authority is to be treated as a local housing authority for the Area⁽⁶⁾.

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

⁽⁶⁾ In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.