Localism Act 2011

2011 CHAPTER 20

PART 10

GENERAL

233 Tax

Schedule 24 (provision about tax in connection with certain transfers and transfer schemes) has effect.

Commencement Information

I1 S. 233 in force for specified purposes at Royal Assent see s. 240(5)(o)

I2 S. 233 in force at 30.3.2012 for E.W. by S.I. 2012/628, **art. 3(a)**

234 Pre-commencement consultation

(1) Subsections (2) and (3) apply for the purpose of determining whether there has been compliance with—

(a) a requirement for consultation imposed by this Act,

(b) a requirement for consultation which applies in relation to things done under an Act amended by this Act, or

(c) a requirement (whether or not imposed by this Act) to do something in connection with a consultation under a requirement within paragraph (a) or (b).

(2) The fact that a provision of this Act was not in force when consultation took place or anything was done in connection with a consultation is to be disregarded in determining whether there has been compliance with the requirement.

(3) The fact that consultation was carried out by a body from whom functions are transferred by this Act, or anything was done by such a body in connection with a

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consultation, is to be disregarded in determining whether there has been compliance with the requirement by a body to whom those functions are transferred.

(4) Subsection (3) is without prejudice to any other provision of this Act that applies to the transfer.

(5) References in this section to a requirement imposed by this Act include a requirement imposed by another Act as a result of its amendment by this Act.

235 Orders and regulations

(1) Any power of a Minister of the Crown or the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.

(2) Any power of a Minister of the Crown or the Welsh Ministers to make an order or regulations under this Act (other than a power under section 240) includes—
- (a) power to make different provision for different cases, circumstances or areas, and
- (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.

(3) The power under subsection (2)(a) includes, in particular, power to make different provision for different authorities or descriptions of authority (including descriptions framed by reference to authorities in particular areas).

(4) Provision or savings made under subsection (2)(b) may take the form of amendments, or revocations, of provisions of an instrument made under legislation.

(5) The generality of the power under subsection (2)(a) is not to be taken to be prejudiced by any specific provision of this Act authorising differential provision.

(6) A Minister of the Crown may not make an order or regulations to which subsection (7) applies unless a draft of the statutory instrument containing the order or regulations (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

(7) This subsection applies to—
- (a) an order under section 5(2) that—
  - (i) amends any Act or provision of an Act, and
  - (ii) is not made (in reliance on section 7(4)) in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 7(3);
- (b) an order under section 5(3), other than one that is made only for the purpose mentioned in section 7(5)(b);
- (c) an order under section 5(4), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose;
- (d) an order under section 8(2);
- (e) an order under section 52;
- (f) regulations under section 81(2)(d), (6)(e) or (10) or 83(11);
- (g) an order under section 87(4) or 96(7);
- (h) regulations under section 101;
- (i) an order under section 106(2) or 107(6);
- (j) regulations under section 117;

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(k) an order or regulations under section 236 which amend or repeal a provision of an Act otherwise than in consequence of provision made by or under section 232;

(l) an order or regulations under section 236 which, in consequence of provision made by section 232, amend or repeal a provision of an Act other than a local or private Act.

(8) A statutory instrument that—

(a) contains an order or regulations made by a Minister of the Crown under this Act,

(b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament, and

(c) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, the House of Commons,

is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Subsection (8) does not apply to—

(a) an order under section 5(1) (but see section 7),

(b) an order under section 5(2) which (in reliance on section 7(4)) is made in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 7(3),

(c) an order under section 15 (but see section 19),

(d) an order or regulations under Schedule 24, or

(e) an order under section 240.

(10) A statutory instrument that contains an order or regulations made by the Treasury under Schedule 24 is subject to annulment in pursuance of a resolution of the House of Commons.

(11) The Welsh Ministers may not make—

(a) an order or regulations under section 236 which amend or repeal a provision of legislation,

(b) an order under section 62,

(c) an order under section 87(4) or 96(7),

(d) regulations under section 101, or

(e) an order under section 106(4) or 107(6),

unless a draft of the statutory instrument containing the order or regulations (whether alone or with other provisions) has been laid before, and approved by a resolution of, the National Assembly for Wales.

(12) A statutory instrument that—

(a) contains an order or regulations made by the Welsh Ministers under this Act, and

(b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, the National Assembly for Wales,

is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(13) Subsection (12) does not apply to an order under section 240.

(14) If a draft of a statutory instrument containing an order under section 52 would, apart from this subsection, be treated for the purposes of the standing orders of either House

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of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

(15) In this section—

"legislation" means—

(a) an Act, or

(b) a Measure or Act of the National Assembly for Wales;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.

Modifications etc. (not altering text)

C1 S. 235 applied (3.3.2017) by The Tees Valley Combined Authority (Functions) Order 2017 (S.I. 2017/250), arts. 1(2), **4(5)**

C2 S. 235 applied (with modifications) (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **11(5)**

C3 S. 235 applied (E.W.) (8.5.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(4), **14(4)**

C4 S. 235 applied (8.5.2017) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/612), arts. 1(3), **4(5)**

C5 S. 235 applied (8.5.2017) by The West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510), arts. 1(2), **13(5)**

C6 S. 235 applied (E.W.) (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **16(5)** (with art. 28)

C7 S. 235 applied (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **11(5)**

C8 S. 235 applied (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **12(5)**

C9 S. 235 applied (E.W.) (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **40(5)** (with art. 9)

236 Power to make further consequential amendments

(1) The appropriate authority may by order or regulations make such provision amending, repealing or revoking legislation as the appropriate authority considers appropriate in consequence of any provision made by or under this Act.

(2) In subsection (1) "appropriate authority"—

(a) in relation to sections 9, 10, 25, 38 to 43, 45, 46, 68, 69, 87 to 108, 148, 149 and 162(3)(b) and (c), and Parts 2, 6, 7, 9, 10 and 22 of Schedule 25 and section 237 so far as relating to those Parts, means—

(i) the Secretary of State in relation to England, and

(ii) the Welsh Ministers in relation to Wales,

(b) in relation to Part 3 and section 80, and Part 14 of Schedule 25 and section 237 so far as relating to that Part, means the Welsh Ministers, and

(c) in relation to any other provision made by or under this Act means the Secretary of State.

(3) In subsection (1) "legislation", in relation to any provision made by or under this Act, means—

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(a) this Act or any Act passed before, or in the same Session as, this Act, or
(b) any instrument made under this or any other Act before the coming into force of the provision.

(4) In subsection (3) "Act" (except in the phrase "this Act") includes an Act or Measure of the National Assembly for Wales.

237 Repeals and revocations

Schedule 25 (repeals and revocations) has effect.

Commencement Information

I3 S. 237 in force for specified purposes at Royal Assent and in force for further specified purposes at 15.1.2012 see s. 240(1)(m)(5)(q)
I4 S. 237 in force at 15.1.2012 for specified purposes for E. by S.I. 2012/57, **art. 3(c)**
I5 S. 237 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(ee)** (with arts. 6, 7, arts. 9-11)
I6 S. 237 in force at 31.1.2012 for specified purposes by S.I. 2012/57, **art. 5(1)(c)** (with arts. 6, 8)
I7 S. 237 in force at 18.2.2012 for specified purposes by S.I. 2012/411, **art. 2(f)(g)**
I8 S. 237 in force at 9.3.2012 for specified purposes by S.I. 2012/628, **art. 2(d)**
I9 S. 237 in force at 31.3.2012 for specified purposes by S.I. 2012/628, **art. 4(d)**
I10 S. 237 in force at 1.4.2012 for specified purposes for E. by S.I. 2012/628, **art. 5(c)** (with arts. 9, 10)
I11 S. 237 in force at 1.4.2012 for specified purposes for W. by S.I. 2012/887, **art. 3(c)**
I12 S. 237 in force at 1.4.2012 for specified purposes by S.I. 2012/887, **art. 2(h)(i)**
I13 S. 237 in force at 1.4.2012 for specified purposes by S.I. 2012/628, **art. 6(j)** (with arts. 9, 11, 14, 15, 17)
I14 S. 237 in force at 1.4.2012 for specified purposes by S.I. 2012/628, **art. 7(b)**
I15 S. 237 in force at 4.4.2012 for specified purposes by S.I. 2012/1008, **art. 2(d)** (with arts. 7, 8)
I16 S. 237 in force at 6.4.2012 for specified purposes by S.I. 2012/628, **art. 8(e)** (with arts. 9, 12, 13, 16, arts. 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)
I17 S. 237 in force at 3.5.2012 for specified purposes by S.I. 2012/1008, **art. 3(f)** (with arts. 7, arts. 9-11)
I18 S. 237 in force at 4.5.2012 for specified purposes by S.I. 2012/1008, **art. 4(c)**
I19 S. 237 in force at 7.6.2012 for specified purposes by S.I. 2012/1463, **art. 2(i)**
I20 S. 237 in force at 1.7.2012 for specified purposes by S.I. 2012/1463, **art. 5(d)** (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
I21 S. 237 in force at 3.8.2012 for specified purposes by S.I. 2012/2029, **arts. 2**, 3(b) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4)
I22 S. 237 in force at 22.11.2012 for specified purposes by S.I. 2012/2913, **arts. 1(2)**, 2(c) (with arts. 3-6)

238 Financial provisions

There is to be paid out of money provided by Parliament—
(a) any expenditure incurred by a Minister of the Crown under this Act, and
(b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

239 Extent

(1) This Act extends to England and Wales only, subject as follows.

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(2) The following provisions extend also to Scotland—

(a) Part 2,

(b) section 128(1) and (3) to (6),

(c) section 233 and Schedule 24, and

(d) sections 235, 236 and 238, this section and sections 240 and 241.

(3) Section 129 extends also to Scotland, but only so far as required for the purpose mentioned in section 240(4) of the Planning Act 2008 (construction of certain cross-border pipelines).

(4) Part 2, sections 233, 235, 236 and 238, this section and sections 240 and 241, and Schedule 24, extend also to Northern Ireland.

(5) Any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates, subject to subsection (6).

(6) Any amendment or repeal made by this Act in the Transport Act 1968, and the repeal of section 121(1) of the Local Government, Planning and Land Act 1980, extend to England and Wales only.

240 Commencement

(1) The following provisions come into force at the end of 2 months beginning with the day on which this Act is passed—

(a) section 25,

(b) Chapter 8 of Part 1 so far as relating to England,

(c) section 44,

(d) section 45,

(e) section 47,

(f) section 71,

(g) section 80,

(h) sections 111 to 113,

(i) section 143,

(j) section 177,

(k) section 183 and Schedule 18,

(l) Chapter 2 of Part 8, except section 197(3)(e) and (f) and (5), and

(m) Parts 6, 8, 14, 17 and 29 of Schedule 25, and section 237 so far as relating to those Parts.

(2) Subject to subsections (1) and (3) to (6), provisions of this Act come into force on such day as the Secretary of State may by order appoint.

(3) The following provisions so far as relating to Wales come into force on such day as the Welsh Ministers may by order appoint—

(a) Chapter 8 of Part 1,

(b) section 46,

(c) section 68,

(d) section 69,

(e) Chapter 3 of Part 5 except so far as it is brought into force by subsection (5)(f) and (g),

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(f) sections 148, 149 and 162(3)(b) and (c), and

(g) Parts 7, 9, 10 and 22 of Schedule 25, and section 237 so far as relating to those Parts.

(4) The following provisions come into force on such day as the Welsh Ministers may by order appoint—

(a) section 9(1) so far as it inserts—

(i) new sections 5A and 5B so far as relating to fire and rescue authorities in Wales,

(ii) new sections 5C and 5D so far as relating to power of the Welsh Ministers to make orders, and

(iii) new sections 5F to 5L,

(b) section 9(2) so far as relating to fire and rescue authorities in Wales,

(c) section 9(3), (6) and (7)(a) and (c),

(d) section 9(7)(b) so far as it inserts new section 62(1A)(a) and (d),

(e) section 9(7)(b) so far as it inserts new section 62(1A)(b) so far as relating to power of the Welsh Ministers to make orders,

(f) section 10(1) to (3) and (5) so far as relating to fire and rescue authorities in Wales,

(g) section 10(4),

(h) Part 3,

(j) the following so far as relating to fire and rescue authorities in Wales—

(i) in Part 2 of Schedule 25, the entries for sections 5 and 19 of the Fire and Rescue Services Act 2004, and

(ii) section 237 so far as relating to those entries, and

(k) in Part 2 of Schedule 25, the entry for section 62(3) of the Fire and Rescue Services Act 2004, and section 237 so far as relating to that entry.

(5) The following provisions come into force on the day on which this Act is passed—

(a) section 23,

(b) paragraphs 57 and 58 of Schedule 4, and section 26 so far as relating to those paragraphs,

(c) section 37,

(d) Chapter 2 of Part 5 so far as it confers power on the Secretary of State to make regulations,

(e) section 86,

(f) Chapter 3 of Part 5 so far as it confers power on the Secretary of State, or the Welsh Ministers, to make regulations or orders,

(g) sections 103 and 104,

(h) section 109(1)(b) and (2) to (6), paragraphs 1, 13(1), 18 and 19 of Schedule 8 and section 109(7) so far as relating to those provisions of that Schedule,

(i) section 110,

(j) sections 116 and 121 and Schedules 9 to 12 so far as those sections or Schedules confer power on the Secretary of State to make regulations or publish documents setting standards,

(k) sections 117 to 120,

(l) the provisions inserted by section 122 so far as they require or authorise the making of provision in a development order,

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(m) section 144,

(n) sections 168 to 175,

(o) section 233 and Schedule 24 so far as they confer power on the Treasury to make regulations or orders,

(p) sections 234, 235, 236, 238, 239, this section and section 241, and

(q) Part 15 of Schedule 25, and section 237 so far as relating to that Part.

(6) Section 114 comes into force on the day after the day on which this Act is passed.

(7) An order under subsection (2), (3) or (4) may—

(a) appoint different days for different purposes;

(b) make such transitory or transitional provision, or savings, as the person making the order considers appropriate.

(8) The appropriate authority may by order make such transitory or transitional provision, or savings, as the appropriate authority considers appropriate in connection with the coming into force of any provision of this Act mentioned in subsection (1), (5) or (6).

(9) In subsection (8) "appropriate authority"—

(a) in relation to sections 25 and 45, and Part 6 of Schedule 25 and section 237 so far as relating to that Part, means—

(i) the Secretary of State in relation to England, and

(ii) the Welsh Ministers in relation to Wales,

(b) in relation to sections 80 and 104, and Chapter 3 of Part 5 so far as it confers power on the Welsh Ministers to make regulations or orders, means the Welsh Ministers, and

(c) in relation to any other provision mentioned in subsection (1), (5) or (6) means the Secretary of State.

241 Short title

This Act may be cited as the Localism Act 2011.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by 2016 c. 22 s. 121(2)(e)
- s. 202(3A) inserted by 2023 c. 55 s. 176(2)