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Localism Act 2011

2011 CHAPTER 20

PART 8

LONDON

CHAPTER 1

HOUSING AND REGENERATION FUNCTIONS

186 Removal of limitations on Greater London Authority's general power

- (1) Section 31 of the Greater London Authority Act 1999 (limits of the Authority's general power) is amended as follows.
- (2) In subsection (3) (prohibition on the Authority incurring expenditure in providing housing or other services) omit paragraph (a) (provision of housing).
- (3) Omit subsection (4) (interpretation of reference to provision of housing).
- (4) Before subsection (5) insert—

“(4A) The reference in subsection (3) above to providing any education services does not include sponsoring Academies or facilitating their sponsorship.”

Commencement Information

- II** S. 186 in force at 15.1.2012 for specified purposes by S.I. 2012/57, art. 4(1)(u) (with arts. 6, 7, arts. 9-11)

187 New housing and regeneration functions of the Authority

- (1) Part 7A of the Greater London Authority Act 1999 is amended as follows.
- (2) In the heading to that Part, after “HOUSING” insert “ AND REGENERATION ”.

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(3) Before section 333A insert—

“Functions in relation to land

333ZA Compulsory acquisition of land

- (1) The Authority may acquire land in Greater London compulsorily for the purposes of housing or regeneration.
- (2) The Authority may exercise the power in subsection (1) only if the Secretary of State authorises it to do so.
- (3) The power in subsection (1) includes power to acquire new rights over land.
- (4) Subsection (5) applies where—
 - (a) land forming part of a common, open space or allotment is being acquired under subsection (1), or
 - (b) new rights are being acquired under subsection (1) over land forming part of a common, open space or allotment.
- (5) The power under subsection (1) includes power to acquire land compulsorily for giving in exchange for that land or those new rights.
- (6) Part 1 of Schedule 2 to the Housing and Regeneration Act 2008 (compulsory acquisition of land by the Homes and Communities Agency) applies in relation to the acquisition of land under subsection (1) as it applies in relation to the acquisition of land under section 9 of that Act.
- (7) In that Part of that Schedule as applied by subsection (6)—
 - (a) references to section 9 of that Act are to be read as references to subsection (1),
 - (b) references to the Homes and Communities Agency are to be read as references to the Authority, and
 - (c) references to Part 1 of that Act are to be read as references to this Part.
- (8) The provisions of Part 1 of the Compulsory Purchase Act 1965 (other than section 31) apply, so far as applicable, to the acquisition by the Authority of land by agreement for the purposes of housing or regeneration.
- (9) In this section—

“allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“common” has the meaning given by section 19(4) of the Acquisition of Land Act 1981;

“open space” means any land which is—

 - (a) laid out as a public garden,
 - (b) used for the purposes of public recreation, or
 - (c) a disused burial ground.

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333ZB Powers in relation to land held for housing or regeneration purposes

- (1) Schedule 3 to the Housing and Regeneration Act 2008 (powers in relation to land of the Homes and Communities Agency) applies in relation to the Authority and land held by it for the purposes of housing or regeneration as it applies in relation to the Homes and Communities Agency and its land.
- (2) In that Schedule as applied by subsection (1)—
 - (a) references to the Homes and Communities Agency are to be read as references to the Authority, and
 - (b) references to the Homes and Communities Agency's land are to the Authority's land held by it for the purposes of housing or regeneration.
- (3) Schedule 4 to that Act (powers in relation to, and for, statutory undertakers) applies in relation to the Authority and land held by it for the purposes of housing or regeneration as it applies in relation to the Homes and Communities Agency and its land.
- (4) In that Schedule as applied by subsection (3)—
 - (a) references to the Homes and Communities Agency are to be read as references to the Authority,
 - (b) references to the Homes and Communities Agency's land are to the Authority's land held by it for the purposes of housing or regeneration,
 - (c) references to Part 1 of that Act are to be read as references to this Part, and
 - (d) references to the functions of the Homes and Communities Agency under Part 1 of that Act are to be read as references to the functions of the Authority relating to housing or regeneration.

333ZC Disposal etc of land held for housing and regeneration purposes

- (1) The Authority may not dispose of land held by it for the purposes of housing or regeneration for less than the best consideration which can reasonably be obtained unless the Secretary of State consents.
- (2) Consent under subsection (1)—
 - (a) may be general or specific;
 - (b) may be given unconditionally or subject to conditions.
- (3) Subsection (1) does not apply to a disposal by way of a short tenancy if the disposal consists of—
 - (a) the grant of a term of not more than 7 years, or
 - (b) the assignment of a term which, at the date of assignment, has not more than 7 years to run.
- (4) A disposal of land by the Authority is not invalid merely because any consent required by subsection (1) has not been given.
- (5) A person dealing with—
 - (a) the Authority, or
 - (b) a person claiming under the Authority,

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in relation to any land need not be concerned as to whether any consent required by subsection (1) has been given.

333ZD Power to enter and survey land

- (1) Sections 17 and 18 of the Housing and Regeneration Act 2008 (power to enter and survey land) apply in relation to the Authority and land in Greater London as they apply in relation to the Homes and Communities Agency and land outside Greater London.
- (2) In those sections as applied by subsection (1)—
 - (a) references to the Homes and Communities Agency are to be read as references to the Authority,
 - (b) references to land are to land in Greater London, and
 - (c) the reference to a proposal for the Homes and Communities Agency to acquire land is a reference to a proposal for the Authority to acquire land for the purposes of housing or regeneration.

Social housing

333ZE Social housing

- (1) Subject to subsection (2), sections 31 to 36 of the Housing and Regeneration Act 2008 (social housing functions) apply in relation to the Authority as they apply in relation to the Homes and Communities Agency.
- (2) In those sections as applied by subsection (1)—
 - (a) references to the Homes and Communities Agency are to be read as references to the Authority,
 - (b) the definition of “social housing assistance” in section 32(13) is to be read as if the reference to financial assistance given under section 19 of that Act were to financial assistance given by the Authority,
 - (c) section 34 is to be read as if subsection (1) were omitted, and
 - (d) section 35(1) is to be read as if the reference to section 19 of the Housing and Regeneration Act 2008 were omitted and as if the reference in paragraph (b) to a dwelling in England outside Greater London were to a dwelling in Greater London.
- (3) Sums received by the Authority in respect of repayments of grants made by it for the purposes of social housing are to be used by it for those purposes.

333ZF Relationship with the Regulator of Social Housing: general

- (1) The Authority must, in the exercise of its housing and regeneration functions, co-operate with the Regulator of Social Housing (referred to in this Part as “the Regulator”).
- (2) In particular, the Authority must consult the Regulator on matters likely to interest the Regulator in the exercise of its social housing functions.
- (3) The Regulator must, in the exercise of its social housing functions, co-operate with the Authority.

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- (4) In particular, the Regulator must consult the Authority on matters likely to interest the Authority in the exercise of its housing and regeneration functions.

333ZG Relationship with the Regulator of Social Housing: directions

- (1) The Regulator may direct the Authority not to give financial assistance in connection with social housing to a specified registered provider of social housing.
- (2) A direction may be given if—
 - (a) the Regulator has decided to hold an inquiry into affairs of the registered provider of social housing under section 206 of the Housing and Regeneration Act 2008 (and the inquiry is not concluded),
 - (b) the Regulator has received notice in respect of the registered provider of social housing under section 145 of that Act, or
 - (c) the Regulator has appointed an officer of the registered provider of social housing under section 269 of that Act (and the person appointed has not vacated office).
- (3) A direction may prohibit the Authority from giving assistance of a specified kind (whether or not in pursuance of a decision already taken and communicated to the registered provider of social housing).
- (4) A direction may not prohibit grants to a registered provider of social housing in respect of discounts given by the provider on disposals of dwellings to tenants.
- (5) A direction has effect until withdrawn.
- (6) In this section the following terms have the same meaning as in Part 2 of the Housing and Regeneration Act 2008—
 - “disposal” (see section 273 of that Act);
 - “dwelling” (see section 275 of that Act);
 - “tenant” (see section 275 of that Act).

333ZH Relationship with the Regulator of Social Housing: further provisions

- (1) Subsection (2) applies if the Authority is proposing to give financial assistance on condition that the recipient provides low cost home ownership accommodation.
- (2) The Authority must consult the Regulator about the proposals.
- (3) The Authority must notify the Regulator at least 14 days before exercising, in relation to a registered provider of social housing, any of the powers conferred by section 32(2) to (4) of the Housing and Regeneration Act 2008 (recovery etc of social housing assistance).
- (4) The Authority must consult the Regulator before making a general determination under section 32 or 33 of the Housing and Regeneration Act 2008.
- (5) For the purposes of this section a person provides low cost home ownership accommodation if (and only if) the person acquires, constructs or converts any

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housing or other land for use as low cost home ownership accommodation or ensures such acquisition, construction or conversion by another.

- (6) In this section “low cost home ownership accommodation” has the meaning given by section 70 of the Housing and Regeneration Act 2008.

Exercise of functions in relation to certain property etc

333ZI Exercise of functions by the Authority in relation to certain property etc

- (1) The Authority may do in relation to any property, rights or liabilities, or any undertaking, to which this section applies anything that the Commission for the New Towns or (as the case may be) an urban development corporation could do in relation to the property, rights or liabilities or the undertaking.
- (2) This section applies to—
- (a) any property, rights or liabilities that—
 - (i) have been or are to be transferred to the Authority from the Homes and Communities Agency by virtue of section 190 of the Localism Act 2011, and
 - (ii) were transferred to the Homes and Communities Agency from the Commission for the New Towns by virtue of section 51 of and Schedule 6 to the Housing and Regeneration Act 2008,
 - (b) an undertaking, or part of an undertaking, of an urban development corporation that has been or is to be transferred to the Authority by virtue of an agreement under section 165 of the Local Government, Planning and Land Act 1980,
 - (c) any property, rights or liabilities of an urban development corporation that have been or are to be transferred to the Authority by virtue of an order under section 165B of the Local Government, Planning and Land Act 1980, and
 - (d) any property, rights or liabilities that—
 - (i) have been or are to be transferred to the Authority from the Homes and Communities Agency by virtue of section 190 of the Localism Act 2011, and
 - (ii) were transferred to the Homes and Communities Agency from an urban development corporation by virtue of an order under section 165B of the Local Government, Planning and Land Act 1980.
- (3) In any enactment (whenever passed or made) references to the Authority's new towns and urban development functions are to its functions in relation to any property, rights or liabilities, or any undertaking, to which this section applies (whether exercisable by virtue of this section or otherwise).
- (4) In subsection (3) “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

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Grants for housing and regeneration purposes

333ZJ Grants to the Authority for housing and regeneration purposes

- (1) The Secretary of State may pay to the Authority grants of such amounts as the Secretary of State may, with the Treasury's consent, determine in respect of the exercise of the Authority's functions relating to housing and regeneration.
 - (2) A grant under this section may be paid at such times, or in such instalments at such times, as the Secretary of State may, with the Treasury's consent, determine.
 - (3) A grant under this section may be made subject to such conditions as the Secretary of State may determine.
 - (4) Conditions under subsection (3) may, in particular, include—
 - (a) provision as to the use of the grant;
 - (b) provision as to the use of any funds generated by activities funded by the grant;
 - (c) provision as to the circumstances in which the whole or part of the grant must be repaid.”
- (4) After section 333D insert—

“Interpretation

333E Interpretation of Part 7A

In this Part—

“building” means a building or other structure (including a house-boat or caravan);

“caravan” has the meaning given by section 29(1) of the Caravan Sites and Control of Development Act 1960;

“housing” means a building, or part of a building, occupied or intended to be occupied as a dwelling or as more than one dwelling; and includes a hostel which provides temporary residential accommodation;

“land” includes housing or other buildings (and see also the definition in Schedule 1 to the Interpretation Act 1978);

“the Regulator” has the meaning given by section 333ZF(1);

“social housing” (except as part of the expression “social housing functions”) has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 (see section 68 of that Act).”

Commencement Information

I2 S. 187(1)(2) in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(v)** (with arts. 6, 7, arts. 9-11)

I3 S. 187(3)(4) in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(w)** (with arts. 6, 7, arts. 9-11)

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VALID FROM 03/05/2012

188 The London housing strategy

- (1) Before section 333A of the Greater London Authority Act 1999 (the London housing strategy) insert— “ The London housing strategy ”.
- (2) That section is amended as follows.
- (3) In subsection (2)(d) for “recommendations” substitute “ proposals ”.
- (4) In subsection (3)—
 - (a) in the opening words for “recommendations” substitute “ proposals ”,
 - (b) in paragraph (a) for “Homes and Communities Agency” substitute “ Authority ”, and
 - (c) for paragraph (b) substitute—
 - “(b) proposals as to the exercise by the Authority of its functions of giving housing financial assistance (see subsection (4) below);”.
- (5) For subsection (4) substitute—
 - “(4) Proposals under subsection (3)(b) above may include—
 - (a) proposals as to the amount of housing financial assistance to be given for different activities or purposes;
 - (b) proposals as to the number, type and location of houses to be provided by means of housing financial assistance.”
- (6) In subsection (10) in the definition of “housing financial assistance” for the words from “under” to “2008” substitute “ by the Authority ”.
- (7) Section 333D (duties of Homes and Communities Agency) is amended as follows.
- (8) In the heading for “Homes and Communities Agency” substitute “ the Authority ”.
- (9) In subsection (1) for the words from “Greater London” to “Agency” substitute “ housing or regeneration, the Authority ”.

VALID FROM 01/04/2012

189 Modification to the Homes and Communities Agency's functions

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 2(2) (objects of the Homes and Communities Agency) before the definition of “good design” insert—

““England” does not include Greater London;”.
- (3) Section 13 (power of Secretary of State to make designation orders) is amended as follows.
- (4) In subsection (1) after “England” insert “ outside Greater London ”.

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- (5) In subsection (6)—
- (a) after “England,” insert “ or ”, and
 - (b) omit the words from “, a London” to the end of the subsection.
- (6) In section 14(7) (content of designation orders) in paragraph (a) of the definition of “relevant functions” omit the words from “, a London” to “of London.”
- (7) In section 26(2) (duty to act as agent in respect of regeneration and development) after “England” insert “ outside Greater London ”.
- (8) In section 35(1)(b) (duty to give financial assistance in respect of certain disposals) after “England” insert “ outside Greater London ”.

190 Transfer of property of Homes and Communities Agency etc

- (1) The Secretary of State may at any time make a scheme (a “transfer scheme”) transferring the property, rights and liabilities of the Homes and Communities Agency (“the HCA”) or the Secretary of State that are specified in the scheme to—
- (a) the Greater London Authority,
 - (b) a functional body,
 - (c) a company that is a subsidiary of the Greater London Authority,
 - (d) the Secretary of State,
 - (e) a London borough council, or
 - (f) the Common Council of the City of London.
- (2) The Secretary of State may by order specify another person, or a description of other persons, to whom property, rights or liabilities of the HCA or the Secretary of State may be transferred by a transfer scheme.
- (3) In this section—
- “company” means—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;
 - “functional body” has the meaning given by section 424(1) of the Greater London Authority Act 1999;
 - “rights” and “liabilities” include rights, or (as the case may be) liabilities, in relation to a contract of employment;
 - “subsidiary” has the meaning given by section 1159 of the Companies Act 2006.

Commencement Information

I4 S. 190 in force at 15.1.2012 by [S.I. 2012/57](#), [art. 4\(1\)\(x\)](#) (with [arts. 6, 7](#), [arts. 9-11](#))

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191 Abolition of London Development Agency and transfer of its property etc

- (1) The London Development Agency ceases to exist on the day on which this subsection comes into force.
- (2) The Secretary of State may at any time make a scheme (a “transfer scheme”) transferring the property, rights and liabilities of the London Development Agency that are specified in the scheme to—
 - (a) the Greater London Authority,
 - (b) a functional body,
 - (c) a company that is a subsidiary of the Greater London Authority,
 - (d) the Secretary of State,
 - (e) a London borough council, or
 - (f) the Common Council of the City of London.
- (3) Before making a transfer scheme, the Secretary of State must consult the Mayor of London.
- (4) The Secretary of State may by order specify another person, or a description of other persons, to whom property, rights or liabilities of the London Development Agency may be transferred by a transfer scheme.
- (5) In this section—
 - “company” means—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;
 - “functional body” has the meaning given by section 424(1) of the Greater London Authority Act 1999;
 - “rights” and “liabilities” include rights, or (as the case may be) liabilities, in relation to a contract of employment;
 - “subsidiary” has the meaning given by section 1159 of the Companies Act 2006.

Commencement Information

I5 S. 191(2)-(5) in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(y) (with arts. 6, 7, arts. 9-11)

VALID FROM 03/05/2012

192 Mayor's economic development strategy for London

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) After section 333E (which is inserted by section 187) insert—

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“PART 7B

ECONOMIC DEVELOPMENT

333F Economic development strategy for London

- (1) The Mayor shall prepare and publish a document to be known as the “Economic development strategy for London”.
- (2) The Economic development strategy for London is to contain—
 - (a) the Mayor's assessment of the economic conditions of Greater London, and
 - (b) the Mayor's policies and proposals for the economic development and regeneration of Greater London, including the Mayor's strategy for—
 - (i) promoting business efficiency, investment and competitiveness in Greater London,
 - (ii) promoting employment in Greater London, and
 - (iii) enhancing the development of skills relevant to employment in Greater London.

The references in this subsection to Greater London include its rural parts as well as its non-rural parts.
- (3) In preparing or revising the Economic development strategy for London the Mayor must consult—
 - (a) such persons as appear to the Mayor to represent employers in Greater London, and
 - (b) such persons as appear to the Mayor to represent employees in Greater London.
- (4) Each of the functional bodies must in the exercise of any function have regard to the Economic development strategy for London.
- (5) The Secretary of State may give guidance to the Mayor about the exercise of the Mayor's functions in relation to the Economic development strategy for London with respect to—
 - (a) the matters to be covered by that strategy or that strategy as revised, and
 - (b) the issues to be taken into account in preparing or revising that strategy.
- (6) The issues mentioned in subsection (5)(b) above include issues relating to any one or more of the following—
 - (a) Greater London,
 - (b) any area of England outside Greater London, and
 - (c) any part of the United Kingdom outside England.
- (7) The Mayor is to have regard to any guidance given under subsection (5) above.
- (8) Where the Secretary of State considers—

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- (a) that the Economic development strategy for London (or any part of it) is inconsistent with national policies, or
- (b) that the Economic development strategy for London or its implementation is having, or is likely to have, a detrimental effect on any area outside Greater London,

the Secretary of State may direct the Mayor to make such revisions of the strategy as may be specified in the direction in order to remove the inconsistency or, as the case may be, the detrimental effect or likely detrimental effect.

- (9) Where the Secretary of State gives the Mayor a direction under subsection (8) above, the Mayor must revise the Economic development strategy for London in accordance with the direction.
- (10) Where the Mayor revises the Economic development strategy for London in accordance with subsection (9) above, subsection (3) above and section 42 above do not apply.
- (11) For the purposes of subsection (8) above “national policies” are any policies of Her Majesty's government which are available in a written form and which—
 - (a) have been laid or announced before, or otherwise presented to, either House of Parliament, or
 - (b) have been published by a Minister of the Crown.”
- (3) In section 41(1) (strategies to which section applies) for paragraph (b) (the London Development Agency strategy) substitute—
 - “(b) the Economic development strategy for London prepared and published under section 333F below.”.

193 Transfer schemes: general provisions

- (1) In this section—
 - “transfer scheme” means a scheme under section 190(1) or 191(2);
 - “transferee”, in relation to a transfer scheme, means the person to whom property, rights or liabilities are transferred by the scheme;
 - “transferor”, in relation to a transfer scheme, means the person from whom property, rights or liabilities are transferred by the scheme.
- (2) The things that may be transferred under a transfer scheme include—
 - (a) property, rights or liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—
 - (a) make provision for certificates issued by the Secretary of State to be conclusive evidence that property has been transferred;
 - (b) create rights, or impose liabilities, in relation to property or rights transferred;
 - (c) make provision about the continuing effect of things done (or having effect as if done) by or in relation to the transferor in respect of anything transferred;

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- (d) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in relation to anything transferred;
 - (e) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee;
 - (f) make provision for the shared ownership or use of property;
 - (g) provide for section 36(3)(c) of the London Olympic Games and Paralympic Games Act 2006 to continue (until repealed) to apply to land transferred to which it applied immediately before the transfer.
- (4) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to a transfer under a transfer scheme where the transfer relates to rights or liabilities under a contract of employment (whether or not it is a relevant transfer for the purposes of those regulations).
- (5) A transfer scheme may provide—
- (a) for modifications by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (6) In this section “rights” and “liabilities” include rights, or (as the case may be) liabilities, in relation to a contract of employment.

Commencement Information

I6 S. 193 in force at 15.1.2012 by S.I. 2012/57, art. 4(1)(z) (with arts. 6, 7, arts. 9-11)

194 Power to make consequential etc provision

- (1) The Secretary of State may by order make such consequential provision or such transitory or transitional provision or savings as the Secretary of State considers appropriate for the purposes of or in consequence of this Chapter.
- (2) The provision that may be made under subsection (1) includes, in particular—
- (a) provision for things done (or having effect as if done) by or in relation to a predecessor to have effect as if done by or in relation to a successor;
 - (b) provision about the continuation by, on behalf of or in relation to a successor of things (including legal proceedings) in the process of being done by, on behalf of or in relation to a predecessor;
 - (c) provision for references to a predecessor in an instrument or other document to be treated as references to a successor.
- (3) In subsection (2)—
- “predecessor” means a person from whom property, rights or liabilities may be transferred by a scheme under section 190(1) or 191(2);
 - “successor” means a person to whom property, rights or liabilities may be transferred by a scheme under section 190(1) or 191(2).

Status: Point in time view as at 15/01/2012. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: Localism Act 2011, CHAPTER 1 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I7 S. 194 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(z)** (with arts. 6, 7, arts. 9-11)

195 Consequential amendments

- (1) Schedule 19 (housing and regeneration: consequential amendments) has effect.
- (2) Schedule 20 (amendments in consequence of the abolition of the London Development Agency) has effect.

Commencement Information

I8 S. 195 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(aa)** (with arts. 6, 7, arts. 9-11)

Status:

Point in time view as at 15/01/2012. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:

Localism Act 2011, CHAPTER 1 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.