

# Localism Bill

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[AS AMENDED IN COMMITTEE]

The Bill is divided into two volumes. Volume I contains the Clauses. Volume II contains the Schedules to the Bill.

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## SCHEDULE 1

Section 1

## GENERAL POWER OF COMPETENCE: CONSEQUENTIAL AMENDMENTS

*Local Government Act 1972 (c. 70)*

- |   |  |   |
|---|--|---|
| 1 | In section 137(9)(a) (“local authority” means a parish council which is not an eligible parish council for the purposes of Part 1 of the Local Government Act 2000) for “Part 1 of the Local Government Act 2000” substitute “Chapter 1 of Part 1 of the Localism Act 2011 (general power of competence)”. | 5 |
|---|--|---|

*Local Government Act 2000 (c. 22)*

- |   |   |    |
|---|---|----|
| 2 | The Local Government Act 2000 is amended as follows.  | 10 |
| 3 | In section 2(1) (power to promote well-being) after “Every local authority” insert “in Wales”.                |    |
| 4 | In section 3(3) to (6) (limits on power of well-being) for “Secretary of State” substitute “Welsh Ministers”. |    |

## SCHEDULE 2

Section 11

15

## NEW ARRANGEMENTS WITH RESPECT TO GOVERNANCE OF ENGLISH LOCAL AUTHORITIES

## PART 1

## NEW PART 1A OF THE LOCAL GOVERNMENT ACT 2000

- |   |  |    |
|---|--|----|
| 1 | After Part 1 of the Local Government Act 2000 insert – |    |
|   | <b>“PART 1A</b>  | 20 |

ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN  
ENGLAND

## CHAPTER 1

## PERMITTED FORMS OF GOVERNANCE

- |           |   |           |
|-----------|---|-----------|
| <b>9B</b> | <b>Permitted forms of governance for local authorities in England</b> | <b>25</b> |
|           | (1) A local authority must operate –                                  |           |
|           | (a) executive arrangements,   |           |

- 
- (b) a committee system, or
    - (c) prescribed arrangements.
  - (2) Executive arrangements must conform with any provisions made by or under this Part which relate to such arrangements (see, in particular, Chapter 2). 5
  - (3) A committee system must conform with any provisions made by or under this Part which relate to such a system (see, in particular, Chapter 3).
  - (4) In this Part –
    - “a committee system” means the arrangements made by a local authority, which does not operate executive arrangements or prescribed arrangements, for or in connection with the discharge of its functions in accordance with –
      - (a) Part 6 of the Local Government Act 1972, and
      - (b) this Part; 10
    - “executive arrangements” means arrangements by a local authority –
      - (a) for and in connection with the creation and operation of an executive of the authority, and
      - (b) under which certain functions of the authority are the responsibility of the executive; 15
    - “prescribed arrangements” means such arrangements as may be prescribed in regulations made by the Secretary of State under section 9BA. 20
  - 9BA Power of Secretary of State to prescribe additional permitted governance arrangements** 25
  - (1) The Secretary of State may by regulations make provision prescribing arrangements that local authorities may operate for and in connection with the discharge of their functions.
  - (2) In particular, the regulations –
    - (a) must include provision about how, and by whom, the functions of a local authority are to be discharged, and
    - (b) may include provision enabling functions to be delegated. 30
  - (3) Regulations under this section may, in particular, include provision which applies or reproduces (with or without modifications) any provisions of, or any provision made under, Chapters 2 to 4 of this Part. 35
  - (4) In considering whether or how to exercise the power in this section, the Secretary of State must have regard to any proposals made under subsection (5). 40
  - (5) A local authority may propose to the Secretary of State that the Secretary of State make regulations prescribing arrangements specified in the proposal if the authority considers that the conditions in subsection (6) are met.
  - (6) The conditions are –
    - (a) that the operation by the authority of the proposed arrangements would be an improvement on the 45

- arrangements which the authority has in place for the discharge of its functions at the time that the proposal is made to the Secretary of State,
- (b) that the operation by the authority of the proposed arrangements would be likely to ensure that the decisions of the authority are taken in an efficient, transparent and accountable way, and 5
- (c) that the arrangements, if prescribed under this section, would be appropriate for all local authorities, or for any particular description of local authority, to consider. 10
- (7) A proposal under subsection (5) –
- (a) must describe the provision which the authority considers should be made under subsection (2) in relation to the proposed arrangements, and
- (b) explain why the conditions in subsection (6) are met in relation to the proposed arrangements. 15

## CHAPTER 2

### EXECUTIVE ARRANGEMENTS

#### *Local authority executives*

- 9C Local authority executives** 20
- (1) The executive of a local authority must take a form specified in subsection (2) or (3).
- (2) The executive may consist of –
- (a) an elected mayor of the authority, and
- (b) two or more councillors of the authority appointed to the executive by the elected mayor. 25
- Such an executive is referred to in this Part as a mayor and cabinet executive.
- (3) The executive may consist of –
- (a) a councillor of the authority (referred to in this Part as the executive leader) elected as leader of the executive by the authority, and 30
- (b) two or more councillors of the authority appointed to the executive by the executive leader.
- Such an executive is referred to in this Part as a leader and cabinet executive (England). 35
- (4) A local authority executive may not include the chairman or vice-chairman of the authority.
- (5) The number of members of a local authority executive may not exceed 10 or such other number as may be specified in regulations made by the Secretary of State. 40
- (6) Section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the function of electing a leader under subsection (3)(a).

*Executive functions*

**9D Functions which are the responsibility of an executive**

- (1) This section has effect for the purposes of determining which of the functions of a local authority that operates executive arrangements are the responsibility of an executive of the authority under those arrangements. 5
- (2) Subject to any provision made by this Act or by any enactment which is passed or made after the day on which this Act is passed, any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. 10
- (3) The Secretary of State may by regulations make provision for any function of a local authority specified in the regulations –
  - (a) to be a function which is not to be the responsibility of an executive of the authority under executive arrangements, 15
  - (b) to be a function which may be the responsibility of such an executive under such arrangements, or
  - (c) to be a function which –
    - (i) to the extent provided by the regulations, is to be the responsibility of such an executive under such arrangements, and 20
    - (ii) to the extent provided by the regulations, is not to be the responsibility of such an executive under such arrangements.
- (4) Executive arrangements must make provision for any function of a local authority falling within subsection (3)(b) –
  - (a) to be a function which is to be the responsibility of an executive of the authority,
  - (b) to be a function which is not to be the responsibility of such an executive, or 30
  - (c) to be a function which –
    - (i) to the extent provided by the arrangements, is to be the responsibility of such an executive, and
    - (ii) to the extent provided by the arrangements, is not to be the responsibility of such executive. 35
- (5) The power under subsection (3)(c) or (4)(c) includes power in relation to any function of a local authority that operates executive arrangements –
  - (a) to designate any action in connection with the discharge of that function which is to be the responsibility of an executive of the local authority, and 40
  - (b) to designate any action in connection with the discharge of that function which is not to be the responsibility of such an executive.
- (6) The Secretary of State may by regulations specify cases or circumstances in which any function of a local authority which, by virtue of the preceding provisions of this section, would otherwise be the responsibility of an executive of the authority to any extent is not 45



to be the responsibility of such an executive to that or any particular extent.

- (7) A function of a local authority may, by virtue of this section, be the responsibility of an executive of the authority to any extent notwithstanding that section 101 of the Local Government Act 1972, or any provision of that section, does not apply to that function. 5
- (8) Any reference in this section to a function specified in regulations includes a reference to a function of a description specified in regulations.
- (9) In this section – 10
- “action” in relation to any function includes any action (of whatever nature and whether or not separately identified by any enactment) involving –
- (a) the taking of any step in the course of, or otherwise for the purposes of or in connection with, the discharge of the function, 15
- (b) the doing of anything incidental or conducive to the discharge of the function, or
- (c) the doing of anything expedient in connection with the discharge of the function or any action falling within paragraph (a) or (b), 20
- “function” means a function of any nature, whether conferred or otherwise arising before, on or after the passing of this Act.

#### **9DA Functions of an executive: further provision**

- (1) Any reference in the following provisions of this Chapter to any functions which are, or are not, the responsibility of an executive of a local authority under executive arrangements is a reference to the functions of the authority to the extent to which they are or (as the case may be) are not, by virtue of section 9D, the responsibility of the executive under such arrangements. 25
- (2) Any function which is the responsibility of an executive of a local authority under executive arrangements – 30
- (a) is to be regarded as exercisable by the executive on behalf of the authority, and
- (b) may be discharged only in accordance with any provisions made by or under this Part or section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England) which apply to the discharge of any such function by that form of executive. 35
- (3) Accordingly, any function which is the responsibility of an executive of a local authority under executive arrangements – 40
- (a) may not be discharged by the authority,
- (b) is not to be a function to which section 101(1) of the Local Government Act 1972 applies, and 45
- (c) may be the subject of arrangements made under section 101(5) of that Act only if permitted by any provision made under section 9EC.

- (4) Subject to any provision made under subsection (5), any function of a local authority that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the local authority is to be discharged in any way which would be permitted or required apart from the provisions made by or under this Chapter. 5
- (5) The Secretary of State may by regulations make provision with respect to the discharge of any function of a local authority that operates executive arrangements which, under those arrangements, is not the responsibility of the executive of the local authority (including provision disapplying section 101 of the Local Government Act 1972 or any provision of that section). 10
- (6) In this section “function” has the same meaning as in section 9D.

*Discharge of functions*

- 9E Discharge of functions: general** 15
- (1) Subject to any provision made under section 9EA, 9EB or 9EC, any functions which, under executive arrangements, are the responsibility of –
- (a) a mayor and cabinet executive, or
  - (b) a leader and cabinet executive (England),
- are to be discharged in accordance with this section. 20
- (2) The senior executive member –
- (a) may discharge any of those functions, or
  - (b) may arrange for the discharge of any of those functions –
    - (i) by the executive,
    - (ii) by another member of the executive,
    - (iii) by a committee of the executive, or
    - (iv) by an officer of the authority.
- 25
- (3) Where by virtue of this section any functions may be discharged by a local authority executive, then, unless the senior executive member otherwise directs, the executive may arrange for the discharge of any of those functions –
- (a) by a committee of the executive, or
  - (b) by an officer of the authority.
- 30
- (4) Where by virtue of this section any functions may be discharged by a member of a local authority executive, then, unless the senior executive member otherwise directs, the member who may discharge the functions may arrange for the discharge of any of those functions by an officer of the authority. 35
- (5) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, then, unless the senior executive member otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority. 40
- (6) Any arrangements made by virtue of this section by a senior executive member, executive, member or committee for the discharge of any functions by an executive, member, committee or
- 45

officer are not to prevent the senior executive member, executive, member or committee by whom the arrangements are made from exercising those functions.

- (7) In this section “senior executive member” means –
- (a) in the case of a mayor and cabinet executive, the elected mayor; 5
  - (b) in the case of a leader and cabinet executive (England), the executive leader.

#### **9EA Discharge of functions by area committees**

- (1) The Secretary of State may by regulations make provision for or in connection with enabling an executive of a local authority, or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive by an area committee of that authority. 10  
15
- (2) Regulations under this section may impose limitations or restrictions on the arrangements which may be made by virtue of the regulations (including limitations or restrictions on the functions which may be the subject of such arrangements).
- (3) In this section – 20
- “area committee”, in relation to a local authority, means a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
  - “specified” means specified in regulations under this section.
- (4) A committee or sub-committee of a local authority satisfies the conditions in this subsection if – 25
- (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,
  - (b) the members of the committee or sub-committee who are members of the authority are elected for electoral divisions or wards which fall wholly or partly within that part, and 30
  - (c) either or both of the conditions in subsection (5) are satisfied in relation to that part.
- (5) The conditions are – 35
- (a) that the area of that part does not exceed two-fifths of the total area of the authority, and
  - (b) that the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.

#### **9EB Discharge of functions of and by another local authority** 40

- (1) The Secretary of State may by regulations make provision for or in connection with enabling an executive of a local authority, or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive – 45
- (a) by a relevant authority (other than the local authority), or

- (b) by a relevant executive (other than an executive of the local authority) or a committee or specified member of such an executive.
- (2) The Secretary of State may by regulations make provision for or in connection with enabling a relevant authority in England to arrange for the discharge of any of its functions by a relevant executive (other than an executive of the relevant authority) or a committee or specified member of such an executive. 5
- (3) The reference in subsection (2) to the functions of a relevant authority in England, in a case where the authority is operating executive arrangements, is a reference to the functions which, under those arrangements, are not the responsibility of the authority's executive. 10
- (4) Regulations under subsection (1) or (2) may, in particular, include provision—
- (a) requiring, in the case of arrangements for the discharge of any functions by a relevant executive or a committee or member of such an executive, the approval of the authority of which the executive is part to such arrangements; 15
- (b) which, in the case of arrangements for the discharge of any functions by a relevant authority, enables any of those functions to be delegated; 20
- (c) which, in the case of arrangements for the discharge of any functions by a relevant executive or a committee or member of such an executive, enables any of those functions to be delegated. 25
- (5) The provision made under subsection (4)(b) may, in particular, apply or reproduce (with or without modifications) any provisions of section 101(2) to (4) of the Local Government Act 1972.
- (6) The provision made under subsection (4)(c) may, in particular, apply or reproduce (with or without modifications) any provisions of section 9E(3) to (7). 30
- (7) In this section—
- “relevant authority” means a local authority within the meaning of section 101 of the Local Government Act 1972;
- “relevant executive” means an executive of a local authority under either this Part or Part 2; 35
- “specified” means specified in regulations under this section.

#### **9EC Joint exercise of functions**

- (1) The Secretary of State may by regulations make provision for or in connection with permitting arrangements under section 101(5) of the Local Government Act 1972 where any of the functions which are the subject of the arrangements are the responsibility of an executive of a local authority under executive arrangements. 40
- (2) The provision which may be made under subsection (1) includes, in particular, provision— 45
- (a) as to the circumstances in which the executive, or a committee or specified member of the executive, is to be a party to the arrangements in place of the authority,

- (b) as to the circumstances in which—
- (i) the authority, and
  - (ii) the executive or a committee or specified member of the executive,
- are both to be parties to the arrangements, 5
- (c) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of the Local Government Act 1972, so far as they relate to any joint committee falling within section 101(5)(a) of that Act, are instead to be exercised by the executive or a committee or specified member of the executive, 10
- (d) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of that Act, so far as they relate to any such joint committee, are to be exercised by the authority, 15
- (e) as to the circumstances in which appointments to any such joint committee by the executive, or a committee or specified member of the executive, need not be made in accordance with the political balance requirements,
- (f) as to the persons (including officers of the authority) who may be appointed to any such joint committee by the executive or a committee or specified member of the executive. 20
- (3) In this section “specified” means specified in regulations under this section. 25

*Overview and scrutiny committees*

**9F Overview and scrutiny committees: functions**

- (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Chapter as overview and scrutiny committees). 30
- (2) Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint overview and scrutiny committees, have power between them) — 35
- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
  - (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive, 40
  - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
  - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive, 45

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| (e)  | to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area,   |    |
| (f)  | in the case of the overview and scrutiny committee, or committees, of an authority to which section 244 of the National Health Service Act 2006 applies –  | 5  |
| (i)  | to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning given by that Act as extended by that section) in the authority’s area, and  | 10 |
| (ii)   | to make reports and recommendations on such matters in accordance with the regulations.  |    |
| (3)  | In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means –  | 15 |
| (a)  | a joint overview and scrutiny committee within the meaning given by subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,   |    |
| (b)  | an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given by subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or | 20 |
| (c)  | a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned.               | 25 |
| (4)  | The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power –   | 30 |
| (a)  | to recommend that the decision be reconsidered by the person who made it, or   |    |
| (b)  | to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.   | 35 |
| (5)  | An overview and scrutiny committee of a local authority may not discharge any functions other than –   |    |
| (a)  | its functions under this section and sections 9FA to 9FJ,  |    |
| (b)  | its functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or   | 40 |
| (c)  | any functions which may be conferred on it by virtue of regulations under section 9FH.   |    |
| <b>9FA Overview and scrutiny committees: supplementary provision</b> |  | 45 |
| (1)  | An overview and scrutiny committee of a local authority –  |    |
| (a)  | may appoint one or more sub-committees, and  |    |
| (b)  | may arrange for the discharge of any of its functions by any such sub-committee.   |    |

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- (2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (1)(b).
- (3) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive. 5
- (4) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority.
- (5) Subject to any provision made by or under paragraphs 6 to 8 of Schedule A1 and to section 20(6) of the Police and Justice Act 2006, any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee, on any question which falls to be decided at that meeting, unless permitted to do so under paragraphs 11 and 12 of that Schedule. 10  
15
- (6) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated –
- (a) as a committee or sub-committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), and 20
- (b) as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies. 25
- (7) Subsections (2) and (5) of section 102 of the Local Government Act 1972 apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.
- (8) An overview and scrutiny committee of a local authority or a sub-committee of such a committee – 30
- (a) may require members of the executive, and officers of the authority, to attend before it to answer questions,
- (b) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and 35
- (c) may invite other persons to attend meetings of the committee. 40
- (9) It is the duty of any member or officer mentioned in paragraph (a) or (b) of subsection (8) to comply with any requirement mentioned in that paragraph.
- (10) A person is not obliged by subsection (9) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales. 45

- (11) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.
- (12) Guidance under subsection (11) may make different provision for different cases or for different descriptions of committee or sub-committee. 5

### 9FB Scrutiny officers

- (1) Subject as follows, a local authority must designate one of its officers to discharge the functions in subsection (2). 10
- (2) Those functions are –
- (a) to promote the role of the authority’s overview and scrutiny committee or committees,
  - (b) to provide support to the authority’s overview and scrutiny committee or committees and the members of that committee or those committees, 15
  - (c) to provide support and guidance to –
    - (i) members of the authority,
    - (ii) members of the executive of the authority, and
    - (iii) officers of the authority, 20
 in relation to the functions of the authority’s overview and scrutiny committee or committees.
- (3) An officer designated by a local authority under this section is to be known as the authority’s “scrutiny officer”.
- (4) A local authority may not designate any of the following under this section – 25
- (a) the head of the authority’s paid service designated under section 4 of the Local Government and Housing Act 1989;
  - (b) the authority’s monitoring officer designated under section 5 of that Act; 30
  - (c) the authority’s chief finance officer, within the meaning of that section.
- (5) The duty in subsection (1) does not apply to a district council for an area for which there is a county council.
- (6) In this section, references to an overview and scrutiny committee include any sub-committee of that committee. 35

### 9FC Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which –
- (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee, 40
  - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and 45



- (c) enables any member of the authority to refer to an overview and scrutiny committee of the authority of which the member of the authority is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables the person to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee. 5
- (3) In considering whether to exercise the power which a member of an authority has by virtue of subsection (1)(c) in any case, the member must have regard to any guidance for the time being issued by the Secretary of State. 10
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) In this section “local government matter”, in relation to a member of a local authority, means a matter which – 15
- (a) relates to the discharge of any function of the authority,
- (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
- (c) is not an excluded matter. 20
- (6) In subsection (5)(c), “excluded matter” means any matter which is –
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section. 25

**9FD Dealing with references under section 9FC(1)(c)**

- (1) This section applies where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to section 9FC(1)(c). 30
- (2) In considering whether or not to exercise any of its powers under section 9F(2) in relation to the matter, the committee may have regard to –
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and 35
- (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 9F(2) in relation to the matter. 40
- (3) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of –
- (a) its decision, and
- (b) the reasons for it. 45

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- (4) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 9F(2) in relation to the matter.
- (5) Subsection (4) is subject to section 9FG (confidential and exempt information). 5
- (6) In this section “local government matter” has the same meaning as in section 9FC.
- 9FE Duty of authority or executive to respond to overview and scrutiny committee**
- (1) This section applies where an overview and scrutiny committee of a local authority makes a report or recommendations to the authority or the executive, otherwise than – 10
- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or 15
- (b) by virtue of subsection (3)(a) of that section.
- (2) The overview and scrutiny committee may publish the report or recommendations.
- (3) The overview and scrutiny committee must by notice in writing require the authority or executive – 20
- (a) to consider the report or recommendations,
- (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
- (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response, and 25
- (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 9FD(4), to provide the member with a copy of the response. 30
- (4) The notice served under subsection (3) must require the authority or executive to comply with it within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice. 35
- (5) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.
- (6) Subsections (2) and (5) are subject to section 9FG and to any provision made under section 9GA(8) (confidential and exempt information). 40
- (7) In this section –
- (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee;
- (b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview 45

and scrutiny committee is established or to the executive of that authority.

**9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities**

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| (1) This section applies where—  | 5  |
| (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—  |    |
| (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or   | 10 |
| (ii) by virtue of subsection (3)(a) of that section, and   |    |
| (b) the report or any of the recommendations relates to a local improvement target which—  |    |
| (i) relates to a relevant partner authority, and   |    |
| (ii) is specified in a local area agreement of the authority.  | 15 |
| (2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions. |    |
| (3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.  | 20 |
| (4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.   |    |
| (5) Subsection (2) does not apply if—  | 25 |
| (a) the relevant partner authority is a health service body, and   |    |
| (b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).                   | 30 |
| (6) In subsection (5), “health service body” means—  |    |
| (a) a National Health Service trust,   |    |
| (b) an NHS foundation trust, or  |    |
| (c) a Primary Care Trust.  |    |
| (7) Subsections (2) and (3) are subject to section 9FG (confidential and exempt information).  | 35 |
| (8) In this section—   |    |
| “the authority”, in relation to a relevant committee, means—   |    |
| (a) in the case of an overview and scrutiny committee, the local authority by which it is established, and   | 40 |
| (b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,   |    |
| “the executive”, in relation to a relevant committee, means the executive of the authority,  | 45 |

- “local improvement target” and “local area agreement” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements),
- “relevant committee” means – 5
- (a) any overview and scrutiny committee of –
- (i) a county council in England,
- (ii) a district council, other than a council for a district in a county for which there is a county council, or 10
- (iii) a London borough council, or
- (b) a sub-committee of an overview and scrutiny committee within paragraph (a), and
- “relevant partner authority”, in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police. 15
- (9) In this section references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007. 20
- 9FG Publication etc of reports, recommendations and responses: confidential and exempt information**
- (1) This section applies to –
- (a) the publication under section 9FE of any document comprising – 25
- (i) a report or recommendations of an overview and scrutiny committee, or
- (ii) a response of a local authority to any such report or recommendations, and 30
- (b) the provision of a copy of such a document –
- (i) to a member of a local authority under section 9FD(4) or section 9FE, or
- (ii) to a relevant partner authority under section 9FF, by an overview and scrutiny committee or a local authority. 35
- (2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority –
- (a) must exclude any confidential information, and
- (b) may exclude any relevant exempt information. 40
- (3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.
- (4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document – 45

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- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible. 5
- (5) Subsection (6) applies if, by virtue of subsection (2), (3) or (4), an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations –
- (a) excludes information, or 10
- (b) replaces part of the report or recommendations with a summary.
- (6) The overview and scrutiny committee is nevertheless to be taken for the purposes of section 9FE(3)(c) or (d) to have published or provided a copy of the report or recommendations. 15
- (7) In this section references to relevant exempt information are references to –
- (a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and 20
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered. 25
- (8) In this section –
- “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),
- “exempt information” has the meaning given by section 100I of that Act, and, in relation to – 35
- (a) any report or recommendations of an overview and scrutiny committee which has functions under section 9F(2)(f) (national health service functions), or
- (b) any response to such a report or recommendations, also includes information which is exempt information under section 246 of the National Health Service Act 2006, and 40
- “relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 9FF, has the same meaning as in that section. 45
- (9) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.

**9FH Overview and scrutiny committees of certain district councils:  
functions with respect to partner authorities**

- (1) This section applies to any district council that—
  - (a) operates executive arrangements, and
  - (b) is a partner authority in relation to a county council (“the related county council”).5
- (2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on its overview and scrutiny committee, or any of its overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council’s executive, which relate to any local improvement target which—
  - (a) relates to a relevant partner authority, and
  - (b) is specified in a local area agreement of the county council.10
- (3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 9FE, 9FF or 9FG (with or without modifications). 15
- (4) For the purposes of this section—
  - (a) “relevant partner authority”, in relation to a district council, means—
    - (i) the related county council, or
    - (ii) any other authority which is a partner authority in relation to that county council, other than a chief officer of police,20
  - (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and
  - (c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority. 30

**9FI Overview and scrutiny committees: flood risk management**

- (1) This section applies to a local authority that operates executive arrangements and that is a lead local flood authority.
- (2) The arrangements required under section 9F(2) include arrangements to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority’s area. 35
- (3) A risk management authority must comply with a request made by an overview and scrutiny committee, in the course of arrangements under subsection (2), for—
  - (a) information;
  - (b) a response to a report. 40
- (4) The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision— 45

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| <ul style="list-style-type: none"> <li>(a) about the procedure to be followed in relation to requests and compliance with them,</li> <li>(b) about notices to be served in relation to requests,</li> <li>(c) for exemptions from the duty,</li> <li>(d) requiring persons to attend to give information orally,</li> <li>(e) about the nature of the information and responses that may be requested, and</li> <li>(f) about the publication of requests, information and responses.</li> </ul> | 5  |
| (5) A risk management authority must have regard to reports and recommendations of an overview and scrutiny committee in the course of arrangements under subsection (2).  | 10 |
| (6) Regulations under section 123 of the Local Government and Public Involvement in Health Act 2007 may make provision about the application of this section in relation to joint overview and scrutiny committees.  | 15 |
| (7) Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.  |    |
| <b>9FJ Overview and scrutiny committees: provision of information etc by certain partner authorities</b>   |    |
| (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—   | 20 |
| <ul style="list-style-type: none"> <li>(a) as to information which relevant partner authorities must provide to the relevant committee, and</li> <li>(b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.</li> </ul>  | 25 |
| (2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—   |    |
| <ul style="list-style-type: none"> <li>(a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or</li> <li>(b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).</li> </ul>  | 30 |
| (3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 9FF.  | 35 |
| (4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—   |    |
| <ul style="list-style-type: none"> <li>(a) as to information which associated authorities must provide to the relevant district council committee, and</li> <li>(b) as to information which may not be disclosed by an associated authority to the relevant district council committee.</li> </ul>   | 40 |
| (5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).  | 45 |

- (6) For the purposes of subsection (4) –
- (a) “relevant district council committee” means –
    - (i) an overview and scrutiny committee of a district council which is not a responsible local authority (“the district council”), or 5
    - (ii) a sub-committee of such a committee;
  - (b) “associated authority”, in relation to a relevant district council committee, means –
    - (i) the county council which is the responsible local authority in relation to the district council, or 10
    - (ii) any authority (other than the district council) which is a partner authority in relation to that county council, other than a chief officer of police.
- (7) For the purposes of subsection (6) “responsible local authority” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 15
- (8) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee. 20
- (9) The power conferred by subsection (8) does not affect the power conferred by section 105(2)(b).

*Further provision in relation to executives*

**9G Meetings and access to information etc**

- (1) Meetings of a local authority executive, or a committee of such an executive, are to be open to the public or held in private. 25
- (2) Subject to regulations under section 9GA(4), it is for a local authority executive to decide which of its meetings, and which of the meetings of any committee of the executive, are to be open to the public and which of those meetings are to be held in private. 30
- (3) A written record must be kept of prescribed decisions made at meetings of local authority executives, or committees of such executives, which are held in private.
- (4) A written record must be kept of prescribed decisions made by individual members of local authority executives. 35
- (5) Written records under subsection (3) or (4) must include reasons for the decisions to which they relate.
- (6) In this section “prescribed” means prescribed by regulations made by the Secretary of State.

**9GA Meetings and access to information etc: further provision and regulations 40**

- (1) Written records under section 9G(3) and (4), together with such reports, background papers or other documents as may be prescribed, must be made available to members of the public in accordance with regulations made by the Secretary of State. 45



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- (2) Regulations under subsection (1) may make provision for or in connection with preventing the whole or part of any record or document containing prescribed information from being made available to members of the public.
- (3) The Secretary of State may by regulations make provision – 5
- (a) with respect to the access of the public to meetings of joint committees, or sub-committees of such committees, at which decisions are made in connection with the discharge of functions which are the responsibility of executives (including provision enabling such meetings to be held in private), 10
  - (b) for or in connection with requiring written records to be kept of decisions made at meetings which by virtue of paragraph (a) are held in private,
  - (c) for or in connection with requiring written records falling within paragraph (b) to include reasons, 15
  - (d) for or in connection with requiring any such written records to be made available to members of the public,
  - (e) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of the public. 20
- (4) The Secretary of State may by regulations make provision –
- (a) as to the circumstances in which meetings mentioned in section 9G(2), or particular proceedings at such meetings, must be open to the public, 25
  - (b) as to the circumstances in which meetings mentioned in section 9G(2), or particular proceedings at such meetings, must be held in private,
  - (c) with respect to the information which is to be included in written records kept by virtue of this section or section 9G, 30
  - (d) with respect to the reasons which are to be included in any such written records,
  - (e) with respect to the persons who are to produce, keep or make available any such written records,
  - (f) for or in connection with requiring any such written records to be made available to members of local authorities or to overview and scrutiny committees or sub-committees, 35
  - (g) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of local authorities or to overview and scrutiny committees or sub-committees, 40
  - (h) for or in connection with requiring information to be made available by electronic means,
  - (i) for or in connection with conferring rights on members of the public or members of local authorities, overview and scrutiny committees or sub-committees in relation to records or documents, 45
  - (j) for or in connection with the creation of offences in respect of any rights or requirements conferred or imposed by virtue of this section or section 9G. 50

- (5) The Secretary of State may by regulations make provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority. 5
- (6) The provision which may be made under subsection (5) includes provision—
- (a) requiring prescribed information to be made available in advance of the prescribed decisions mentioned in that subsection, 10
- (b) as to the way or form in which prescribed information is to be made available.
- (7) The Secretary of State may by regulations make provision which, in relation to meetings of—
- (a) local authority executives or committees of such executives, 15  
or
- (b) joint committees, or sub-committees of such committees, falling within subsection (3)(a),  
applies or reproduces (with or without modifications) any provisions of Part 5A of the Local Government Act 1972. 20
- (8) The Secretary of State may by regulations make provision, in relation to—
- (a) the publication by executives of local authorities under section 9FE, or under any provision of regulations under section 9FH which applies or reproduces (with or without modifications) any provision of section 9FE, of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or 25
- (b) the provision by such executives under that section of copies of such responses, 30  
which applies or reproduces (with or without modifications) any provisions of section 9FG (confidential and exempt information).
- (9) In this section—
- “joint committee” means a joint committee falling within section 101(5)(a) of the Local Government Act 1972, 35
- “prescribed” means prescribed by regulations made by the Secretary of State.

**9GB Further provision**

Schedule A1 (which makes further provision in relation to executive arrangements under this Part) has effect. 40

**9GC Absence of requirement for political balance**

Neither—

- (a) a local authority executive, nor
- (b) a committee of a local authority executive,  
is to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies. 45

*Elected mayors etc*

**9H Elected mayors etc**

- (1) In this Part “elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by the local government electors for the authority’s area in accordance with the provisions made by or under this Part. 5
- (2) An elected mayor is to be entitled to the style of “mayor”.
- (3) A reference in any enactment (whenever passed or made) to—  
 (a) a member of a local authority, or  
 (b) a councillor of a local authority, 10  
 does not include a reference to an elected mayor of the authority.
- (4) But subsection (3) is subject to—  
 (a) regulations made by the Secretary of State under this paragraph which provide that an elected mayor is to be treated as a member or councillor of a local authority for the purposes of an enactment (whenever passed or made), and 15  
 (b) any other contrary intention that appears in any enactment (whenever passed or made).
- (5) Section 2(2A) of, and paragraph 5C(1) of Schedule 2 to, the Local Government Act 1972 are not to be taken to indicate any contrary intention for the purposes of subsection (4)(b). 20
- (6) Elections for the return of an elected mayor are to take place on the ordinary day of election in each of the relevant election years.
- (7) The term of office of an elected mayor of a local authority is to be four years. 25
- (8) This section is subject to regulations under section 9HD or 9HG.

**9HA Power to transfer functions relating to public services to elected mayors**

- (1) The Secretary of State may by order make provision—  
 (a) enabling or requiring a specified local authority operating a mayor and cabinet executive to confer a local public service function of any person or body on its elected mayor; 30  
 (b) in relation to a specified local authority operating a mayor and cabinet executive, transferring a local public service function from any person or body to the authority’s elected mayor; 35  
 (c) about the discharge of local public service functions that are conferred on, or transferred to, elected mayors by virtue of this section (including provision enabling the discharge of those functions to be delegated). 40
- (2) An order under this section may modify any enactment (whenever passed or made) for the purpose of making the provision mentioned in subsection (1).
- (3) The power to modify an enactment in subsection (2) is a power—  
 (a) to apply that enactment with or without modifications, 45

- (b) to extend, disapply or amend that enactment, or
- (c) to repeal or revoke that enactment with or without savings.
- (4) An order under this section may disapply, or modify the application of, Chapter 4 in relation to a local authority by whose elected mayor a function is made exercisable by virtue of the order. 5
- (5) An order under this section may make provision for and in connection with the transfer of property, rights and liabilities from the person who, or body which, would have a local public service function but for the order (“the transferor”) to the local authority by whose elected mayor the function is made exercisable by virtue of the order. 10
- (6) The things that may be transferred by virtue of provision made under subsection (5) include –
- (a) property, rights and liabilities that could not otherwise be transferred; 15
- (b) property acquired, and rights and liabilities arising, after the making of the order.
- (7) Provision which may be made under subsection (5) includes, in particular, provision –
- (a) for the creation of rights, or the imposition of liabilities, in relation to property or rights transferred; 20
- (b) about the continuing effect of things done by the transferor in respect of anything transferred;
- (c) 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 respect of anything transferred; 25
- (d) for references to the transferor in an instrument or other document relating to anything transferred to be treated as references to the local authority;
- (e) for the shared ownership or use of property; 30
- (f) that has the same or similar effect to the TUPE regulations (so far as those regulations do not apply in relation to the transfer);
- (g) for the transferor and local authority to be able to modify other provision made in relation to the transfer by agreement; 35
- (h) for any modifications under paragraph (g) to have effect from the date when the transfer had effect under the order.
- (8) For the purposes of this section –
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and 40
- (b) the terms of the individual’s employment in the civil service are to be regarded as constituting the terms of the contract of employment.
- (9) In this section – 45
- “civil service” means the civil service of the State;
- “local public service function”, in relation to a local authority, means a function of a public nature in so far as it relates to the provision of a public service –

- (a) in the local authority’s area, or  
 (b) to the inhabitants of that area;
- “public service” means a service provided to the public or a section of the public, whether on payment or not, that—
- (a) is provided in the exercise of functions of a public nature or under statutory authority, or 5  
 (b) is wholly or partly funded by grants, subsidies or other financial assistance from central or local government funds;
- “service” includes the provision of goods or facilities of any description; 10
- “specified” means specified or described in an order made by the Secretary of State under this section;
- “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246); 15
- references to rights and liabilities include rights and liabilities relating to a contract of employment;
- references to the transfer of property include the grant of a lease.
- 9HB Secretary of State to consider certain proposals as to the exercise of powers under section 9HA** 20
- (1) If the Secretary of State receives a relevant proposal from an elected mayor, the Secretary of State must—
- (a) consider the proposal, and  
 (b) notify the elected mayor of what action, if any, the Secretary of State is to take in relation to the proposal. 25
- (2) For the purposes of subsection (1) a “relevant proposal” is a proposal—
- (a) as to how the Secretary of State should exercise the powers in section 9HA in relation to the local authority for which the person making the proposal is the elected mayor, 30  
 (b) that is made within the period of one year beginning with date of the election at which that person was returned as the elected mayor, and  
 (c) that is accompanied by such information and evidence as the Secretary of State may specify in regulations made under this section. 35
- 9HC Election as elected mayor and councillor**
- (1) If the person who is returned at an election as the elected mayor of a local authority is also returned at an election held at the same time as a councillor of the authority, a vacancy arises in the office of councillor. 40
- (2) If the person who is returned at an election (“the mayoral election”) as the elected mayor of a local authority—
- (a) is a councillor of the authority, and 45  
 (b) was returned as such a councillor at an election held at an earlier time than the mayoral election,  
 a vacancy shall arise in the office of councillor.

- (3) Subject to subsection (4), a person who is the elected mayor of a local authority may not be a candidate in an election for the return of a councillor or councillors of the authority.
- (4) A person who is the elected mayor of a local authority may be a candidate in an election for the return of a councillor or councillors of the authority if the election is held at the same time as an election for the return of the elected mayor of the authority, but subsection (1) applies if the person is a candidate in both such elections and is returned both as the elected mayor and as a councillor. 5
- 9HD Time of elections etc** 10
- The Secretary of State may by regulations make provision –
- (a) as to the dates on which and years in which elections for the return of elected mayors may or must take place,
- (b) as to the intervals between elections for the return of elected mayors, 15
- (c) as to the term of office of elected mayors, and
- (d) as to the filling of vacancies in the office of elected mayor.
- 9HE Voting at elections of elected mayors**
- (1) Each person entitled to vote as an elector at an election for the return of an elected mayor is to have the following vote or votes – 20
- (a) one vote (referred to in this Part as a first preference vote) which may be given for the voter’s first preference from among the candidates to be the elected mayor, and
- (b) if there are three or more candidates to be the elected mayor, one vote (referred to in this Part as a second preference vote) which may be given for the voter’s second preference from among those candidates 25
- (2) The elected mayor is to be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates to be the elected mayor, the elected mayor is to be returned under the supplementary vote system in accordance with Schedule 2. 30
- 9HF Entitlement to vote**
- (1) The persons entitled to vote as electors at an election for the return of an elected mayor are those who on the day of the poll – 35
- (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the area of the local authority concerned, and
- (b) are registered in the register of local government electors at an address within the authority’s area. 40
- (2) A person is not entitled as an elector to cast more than one first preference vote, or more than one second preference vote, at an election for the return of an elected mayor.
- 9HG Power to make provision about elections**
- (1) The Secretary of State may by regulations make provision as to – 45
- (a) the conduct of elections for the return of elected mayors, and

- (b) the questioning of elections for the return of elected mayors and the consequences of irregularities.
- (2) Regulations made under subsection (1)(a) may, in particular, include provision –
- (a) about the registration of electors, 5
- (b) for disregarding alterations in a register of electors,
- (c) about the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses), and
- (d) for the combination of polls at elections for the return of elected mayors and other elections. 10
- (3) Regulations under this section may –
- (a) apply or incorporate, with or without modifications or exceptions, any provision of, or made under, the Representation of the People Acts or any provision of any other enactment (whenever passed or made) relating to parliamentary elections or local government elections, 15
- (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of elected mayors, and 20
- (c) so far as may be necessary in consequence of any provision made by or under this Part or any regulations under this section, amend any provision of any enactment (whenever passed or made) relating to the registration of parliamentary electors or local government electors. 25
- (4) Before making any regulations under this section, the Secretary of State must consult the Electoral Commission.
- (5) In addition, the power of the Secretary of State to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money. 30 35
- (6) No return of an elected mayor at an election is to be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in regulations under this section.

*Leader and cabinet executives (England)* 40

## 9I Election and term of office of leader

Executive arrangements by a local authority which provide for a leader and cabinet executive (England) –

- (a) must include provision with respect to the election of the executive leader, including provision for an election where there is a vacancy in the office of executive leader, and 45

- (b) may include provision with respect to the term of office of the executive leader.

### **9IA Removal of leader**

- (1) Executive arrangements by a local authority which provide for a leader and cabinet executive (England) must include provision for the council to remove the executive leader by resolution. 5
- (2) If a council passes a resolution to remove the executive leader, a new executive leader is to be elected –
- (a) at the meeting at which the leader is removed from office, or
- (b) at a subsequent meeting. 10

### **9IB Leader to continue to hold office as councillor**

- (1) A person who is the executive leader of a leader and cabinet executive (England) remains a member of the council during the period that the person is the executive leader.
- (2) Accordingly, any enactment which provides for the person's earlier retirement as a councillor does not apply. 15
- (3) This section does not affect anything by which the executive leader may cease to be a councillor otherwise than by retirement (including disqualification or resignation).

### **9IC No other means of removing leader** 20

- (1) This section applies to a local authority which operates a leader and cabinet executive (England).
- (2) An executive leader may not be removed from office except in accordance with section 9IA or regulations under section 9ID.

### **9ID Regulations** 25

- (1) The Secretary of State may by regulations make provision –
- (a) as to the election and removal from office of executive leaders of leader and cabinet executives (England),
- (b) as to the term of office of an executive leader of a leader and cabinet executive (England), and 30
- (c) as to the filling of vacancies in the office of executive leader of a leader and cabinet executive (England).
- (2) Sections 9I to 9IC are subject to regulations under this section.

## **CHAPTER 3**

### **THE COMMITTEE SYSTEM** 35

### **9J Secretary of State power to prohibit delegation of functions etc**

- (1) The Secretary of State may by regulations –
- (a) specify or describe any function of a committee system local authority that is to be a non-delegable function;



- 
- (b) specify or describe cases or circumstances in which any specified or described function of a committee system local authority is to be a non-delegable function;
  - (c) specify or describe any action in connection with the discharge of a function of a committee system local authority that is to be a non-delegable action; 5
  - (d) specify or describe cases or circumstances in which any specified or described action in connection with the discharge of a function of a committee system local authority is to be a non-delegable action. 10
- (2) If a function or action is non-delegable –
- (a) it must be carried out by the local authority, and
  - (b) such provisions of section 101 of the Local Government Act 1972 as may be specified in regulations under this section do not apply to it. 15
- (3) In this Part “committee system local authority” means a local authority that operates a committee system.
- (4) For the purposes of this section something is specified or described if it is specified or described in regulations made by the Secretary of State under this section. 20
- (5) In this section –
- “action” in relation to any function includes any action (of whatever nature and whether or not separately identified by any enactment) involving –
    - (a) the taking of any step in the course of, or otherwise for the purposes of or in connection with, the discharge of the function, 25
    - (b) the doing of anything incidental or conducive to the discharge of the function, or
    - (c) the doing of anything expedient in connection with the discharge of the function or any action within paragraph (a) or (b); 30
  - “function” means a function of any nature, whether conferred or otherwise arising before, on or after this section comes into force. 35
- 9JA Overview and scrutiny committee**
- (1) A committee system local authority may by resolution appoint one or more committees as the authority’s overview and scrutiny committee or, as the case may be, committees.
- (2) The Secretary of State may by regulations make provision about – 40
- (a) the functions, composition and procedure of a committee that has been appointed as an overview and scrutiny committee under this section, and
  - (b) the appointment by committee system local authorities of joint committees and sub-committees as overview and scrutiny committees. 45
- (3) Provision under subsection (2) may, in particular, include provision which applies or reproduces (with or without modifications) any

provision of, or made under, sections 9F to 9FJ or paragraphs 6 to 13 of Schedule A1.

### **9JB Overview and scrutiny: flood risk management**

- |     |  |    |
|-----|--|----|
| (1) | A committee system local authority that is a lead local flood authority must review and scrutinise the exercise by risk management authorities of –  | 5  |
|     | (a) flood risk management functions, or  |    |
|     | (b) coastal erosion risk management functions,   |    |
|     | which may affect the local authority’s area.   |    |
| (2) | A local authority may issue such reports and recommendations as it considers appropriate in the course of exercising the function in subsection (1). | 10 |
| (3) | A risk management authority must comply with a request made by a local authority in the course of exercising the function in subsection (1) for –    | 15 |
|     | (a) information;   |    |
|     | (b) a response to a report.  |    |
| (4) | The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision –                        | 20 |
|     | (a) about the procedure to be followed in relation to requests and compliance with them,   |    |
|     | (b) about notices to be served in relation to requests,  |    |
|     | (c) for exemptions from the duty,  |    |
|     | (d) requiring persons to attend to give information orally,  |    |
|     | (e) about the nature of the information and responses that may be requested, and   | 25 |
|     | (f) about the publication of requests, information and responses.  |    |
| (5) | A risk management authority must have regard to any reports or recommendations mentioned in subsection (2) that relate to it.                        |    |
| (6) | Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.                                      | 30 |

## **CHAPTER 4**

### CHANGING GOVERNANCE ARRANGEMENTS

*Changes to governance arrangements by local authorities: general provision*

- |           |  |    |
|-----------|--|----|
| <b>9K</b> | <b>Changing from one form of governance to another</b>   | 35 |
| (1)       | A local authority may –  |    |
|           | (a) cease to operate its existing form of governance, and  |    |
|           | (b) start to operate a different form of governance.   |    |
| (2)       | This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive). | 40 |

- 9KA Executive arrangements: different form of executive**
- (1) A local authority which operates executive arrangements may –
- (a) vary the arrangements so that they provide for a different form of executive, and
  - (b) if it makes such a variation, vary the arrangements in such other respects (if any) as it considers appropriate. 5
- (2) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).
- 9KB Executive arrangements: other variation of arrangements** 10
- A local authority which operates executive arrangements may vary those arrangements so that they –
- (a) differ from the existing arrangements in any respect, but
  - (b) still provide for the same form of executive.
- 9KC Resolution of local authority** 15
- (1) A resolution of a local authority is required in order for the authority to make a change in governance arrangements.
- (2) As soon as practicable after passing such a resolution a local authority must –
- (a) secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public, and 20
  - (b) publish in one or more newspapers circulating in its area a notice which – 25
    - (i) states that the authority has resolved to make a change in its governance arrangements,
    - (ii) states the date on which the change is to have effect,
    - (iii) describes the main features of the change,
    - (iv) states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority’s principal office for inspection by members of the public, and 30
    - (v) specifies the address of the authority’s principal office. 35
- (3) Subsection (4) applies if a local authority passes a resolution in accordance with this section (“Resolution A”) which makes a change in governance arrangements of the kind set out in –
- (a) section 9K (change from one form of governance to another), 40  
or
  - (b) section 9KA (change to a different form of executive).
- (4) The local authority may not pass another resolution that makes a change in governance arrangements of a kind mentioned in subsection (3) (“Resolution B”) before the end of the period of 5 years beginning with the date Resolution A is passed, unless Resolution B is approved in a referendum held in accordance with this Chapter. 45

- (5) This section does not apply to a change in governance arrangements effected by an order under section 9N (power by order to require, and give effect to, referendum on change to mayor and cabinet executive).

*Implementation of certain changes to governance arrangements* 5

**9L Implementation: change in form of governance or change in form of executive**

- (1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—
- (a) section 9K (change from one form of governance to another), 10
  - or
  - (b) section 9KA (change to a different form of executive).
- (2) On the third day after the relevant elections, the local authority must—
- (a) cease operating the old form of governance or (as the case may be) old form of executive, and 15
  - (b) start operating the form of governance or (as the case may be) form of executive which the change in governance arrangements provides for.
- (3) In this section “relevant elections” means, if the change in governance arrangements provides for the local authority to operate—
- (a) a leader and cabinet executive (England): the appropriate elections of councillors;
  - (b) a mayor and cabinet executive: the first election of the mayor; 25
  - (c) a committee system: the appropriate elections of councillors;
  - (d) prescribed arrangements: the appropriate elections of councillors.
- (4) For the purposes of subsection (3)—
- (a) if the local authority is currently operating a mayor and cabinet executive, the “appropriate elections of councillors” are the ordinary elections of councillors of the local authority held on the day on which the next ordinary election of a mayor was expected to be held when the resolution to make the change in governance arrangements was passed; 30
  - (b) if the local authority is not currently operating a mayor and cabinet executive, the “appropriate elections of councillors” are the first ordinary elections of councillors of the local authority to be held after the resolution is passed. 35

*Referendums* 40

**9M Cases in which change is subject to approval in a referendum in accordance with sections 9MA and 9MB**

- (1) A change in governance arrangements which a local authority proposes to make by resolution is subject to approval in a referendum in either of the following cases. 45

- (2) The first case is where –
- (a) the proposed change in governance arrangements is of a kind set out in –
    - (i) section 9K (change from one form of governance to another), or 5
    - (ii) section 9KA (change to a different form of executive), and
  - (b) the implementation of the local authority’s existing form of governance or existing form of executive was approved in a referendum under this Chapter. 10
- (3) The second case is where the local authority resolves that a proposed change in governance arrangements is to be subject to approval in a referendum.

#### **9MA Referendum: proposals by local authority**

- (1) This section applies to a local authority which wishes to make a change in governance arrangements that is subject to approval in a referendum under section 9M. 15
- (2) The local authority must draw up proposals for the change.
- (3) The proposals must include –
- (a) a timetable with respect to the implementation of the proposals, 20
  - (b) details of any transitional arrangements which are necessary for the implementation of the proposals, and
  - (c) a statement that the change in governance arrangements is to be subject to approval in a referendum. 25
- (4) Subsections (5) and (6) apply where the proposed change in governance arrangements is of the kind set out in –
- (a) section 9K (change from one form of governance to another), or
  - (b) section 9KA (change to a different form of executive). 30
- (5) If the proposed change in governance arrangements would result in the local authority having executive arrangements, the proposals must state the extent to which the functions specified in regulations under section 9D(3)(b) are to be the responsibility of the executive which will be operated if the proposals are implemented. 35
- (6) The proposals (particularly any provision about timetables and transitional matters included in accordance with subsection (3)) must be such as to ensure that the proposed change can take effect (so far as required to) in accordance with section 9L(2).
- (7) After drawing up the proposals, the local authority must – 40
- (a) secure that copies of a document setting out the proposals are available at its principal office for inspection by members of the public at all reasonable times, and
  - (b) publish in one or more newspapers circulating in its area a notice which – 45
    - (i) states that the authority has drawn up the proposals,
    - (ii) describes the main features of the proposals,

- (iii) states that copies of a document setting out the proposals are available at the authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
- (iv) specifies the address of the authority's principal office. 5

### **9MB Requirement to hold and give effect to referendum**

- (1) This section applies to a local authority which wishes to make a change in governance arrangements that is subject to approval in a referendum under section 9M. 10
- (2) The local authority must, after complying with section 9MA(7), hold a referendum on its proposals before taking any steps to implement them.
- (3) The local authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals. 15
- (4) Any such resolution must be passed within the period of 28 days beginning with the day when the referendum is held.
- (5) Any such resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object. 20

### **9MC Referendum following petition**

- (1) The Secretary of State may by regulations make provision for or in connection with requiring a local authority which receives a petition which complies with the provisions of the regulations to hold a referendum, in such circumstances as may be prescribed in the regulations, on whether the authority should have a relevant type of governance arrangement. 25
- (2) Regulations under subsection (1) may, in particular, include provision— 30
  - (a) as to the form and content of petitions (including provision for petitions in electronic form),
  - (b) as to the minimum number of local government electors for a local authority's area who must support any petition presented to the authority during any period specified in the regulations, 35
  - (c) for or in connection with requiring an officer of a local authority to publish the number of local government electors for the authority's area who must support any petition presented to the authority, 40
  - (d) as to the way in which local government electors for a local authority's area are to support a petition (including provision enabling local government electors to support petitions by telephone or by electronic means),
  - (e) as to the action which may, may not or must be taken by a local authority in connection with any petition, 45
  - (f) as to the manner in which a petition is to be presented to a local authority,

- 
- (g) as to the verification of any petition,
  - (h) as to the date on which, or the time by which, a referendum must be held,
  - (i) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum, 5
  - (j) as to the action which may, may not or must be taken by a local authority after a referendum, and
  - (k) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action. 10
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
  - (4) The number of local government electors mentioned in subsection (2)(b) is to be calculated at such times as may be provided by regulations under this section and (unless such regulations otherwise provide) is to be 5 per cent of the number of local government electors at each of those times. 15
  - (5) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive). 20

#### **9MD Referendum following direction**

- (1) The Secretary of State may by regulations make provision for or in connection with enabling the Secretary of State, in such circumstances as may be prescribed in the regulations, to direct a local authority to hold a referendum on whether it should have a relevant type of governance arrangements specified in the direction. 25
- (2) Regulations under this section may, in particular, include provision— 30
  - (a) as to the date on which, or the time by which, a referendum must be held,
  - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
  - (c) as to the action which may, may not or must be taken by a local authority after a referendum, and 35
  - (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action. 40
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
- (4) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive). 45

**9ME Referendum following order**

- (1) The Secretary of State may by order make provision requiring every local authority, or every local authority falling within a description of authority specified in the order, to hold a referendum on whether they should have a relevant type of governance arrangements specified in the order. 5
- (2) An order under this section may, in particular, include provision—
- (a) as to the date on which, or the time by which, a referendum must be held,
  - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum, 10
  - (c) as to the action which may, may not or must be taken by a local authority after a referendum,
  - (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the order, to take that action. 15
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter. 20
- (4) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

**9MF Further provision with respect to referendums**

- (1) If a local authority holds a referendum under this Chapter (“Referendum A”) it may not hold, or be required to hold, another referendum under this Chapter (“Referendum B”) within the period of ten years beginning with the date of Referendum A, unless subsection (2) or (3) applies. 25
- (2) This subsection applies if— 30
- (a) Referendum A was held by the authority by virtue of an order under section 9N (power by order to require, and give effect to, referendum on change to mayor and cabinet executive), and
  - (b) the proposal for the authority to operate a mayor and cabinet executive was rejected in Referendum A. 35
- (3) This subsection applies if Referendum B is required to be held by virtue of an order made under section 9N.
- (4) If the result of a referendum held by virtue of regulations, an order or a direction made under any provision of this Chapter is to approve the proposals to which the referendum relates, the local authority concerned must implement those proposals in accordance with any provision made by the regulations, order or direction. 40
- (5) If the result of a referendum held by virtue of regulations, an order or a direction made under any provision of this Chapter is to reject the proposals to which the referendum relates, the local authority concerned may not implement those proposals but must instead 45



comply with any provision made by the regulations, order or direction.

- (6) Subsections (4) and (5) do not apply to a referendum held by virtue of section 9N (but see section 9N(2)(c)).

**9MG Voting in and conduct of referendums** 5

- (1) The persons entitled to vote in a referendum held by a local authority under this Chapter are those who on the day of the referendum –
- (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the authority’s area, and 10
  - (b) are registered in the register of local government electors at an address within the authority’s area.
- (2) The Secretary of State may by regulations make provision as to the conduct of referendums under this Chapter.
- (3) The Secretary of State may by regulations make provision for the combination of polls at referendums under this Chapter with polls at any elections. 15
- (4) Regulations under subsection (1) or (2) may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums. 20
- (5) Regulations under subsection (1) may, in particular, include provision –
- (a) as to the question to be asked in a referendum,
  - (b) as to the publicity to be given in connection with a referendum (including the publicity to be given with respect to the consequences of the referendum), 25
  - (c) about the limitation of expenditure in connection with a referendum (and the creation of criminal offences in connection with the limitation of such expenditure), 30
  - (d) as to the conduct of the authority, members of the authority and officers of the authority in relation to a referendum,
  - (e) as to when, where and how voting in a referendum is to take place,
  - (f) as to how the votes cast in a referendum are to be counted, and 35
  - (g) for disregarding alterations in a register of electors.
- (6) Before making any regulations under this section that include provision as to the question to be asked in a referendum, the Secretary of State must consult the Electoral Commission. 40

*Further provisions as to mayor and cabinet executive*

**9N Requiring referendum on change to mayor and cabinet executive**

- (1) The Secretary of State may by order require a specified local authority to hold a referendum on whether the authority should operate a mayor and cabinet executive. 45

- (2) An order under this section may include provision—
- (a) as to the date on which, or the time by which, a referendum must be held,
  - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum, 5
  - (c) as to the effect of a referendum and the action which may, may not or must be taken by a local authority after a referendum,
  - (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the order, to take that action. 10
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter. 15
- (4) In this section “specified” means specified in an order made by the Secretary of State under this section.

#### **9NA Effect of section 9N order**

- (1) Subject as follows, the provisions of this Chapter listed in subsection (2) do not apply to a local authority in relation to whom an order under section 9N has been made (and has not been revoked) unless the proposal for the authority to operate a mayor and cabinet executive has been rejected in the referendum held under the order. 20
- (2) Those provisions are—
- (a) section 9K (changing from one form of governance to another); 25
  - (b) section 9KA (executive arrangements: different form of executive);
  - (c) section 9MC (referendum following petition);
  - (d) section 9MD (referendum following direction); 30
  - (e) section 9ME (referendum following order).

#### **9NB Variation of mayoral executive**

- (1) This section applies to a change in governance arrangements of the kind set out in section 9KB (variation of executive arrangements) if the local authority is operating a mayor and cabinet executive. 35
- (2) The local authority may not resolve to make a change in governance arrangements unless the elected mayor has given written consent to the proposed change.

#### *Miscellaneous*

#### **9O General** 40

- (1) A local authority may not—
- (a) cease to operate a form of governance, or
  - (b) vary executive arrangements,
- other than in accordance with this Chapter.

- (2) In making a change in governance arrangements, the local authority must comply with any directions given by the Secretary of State in connection with the making of such a change.

### **9OA Interpretation**

- (1) This section applies for the purposes of this Chapter. 5
- (2) References to a change in governance arrangements are references to any change of a kind set out in sections 9K to 9KB.
- (3) References to a relevant type of governance arrangement are references to –
- (a) a leader and cabinet executive (England); 10
  - (b) a mayor and cabinet executive;
  - (c) a committee system;
  - (d) any prescribed arrangements.
- (4) References to a form of governance are references to – 15
- (a) executive arrangements;
  - (b) a committee system;
  - (c) any prescribed arrangements.

## **CHAPTER 5**

### SUPPLEMENTARY

*Local authority constitution* 20

### **9P Local authority constitution**

- (1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains –
- (a) a copy of the authority’s standing orders for the time being,
  - (b) a copy of the authority’s code of conduct (if any) for the time being under section 17 of the Localism Act 2011, 25
  - (c) such information as the Secretary of State may direct, and
  - (d) such other information (if any) as the authority considers appropriate.
- (2) In the case of a committee system local authority, the authority’s constitution must also contain a statement as to whether the authority has resolved to have an overview and scrutiny committee under section 9JA. 30
- (3) A local authority must ensure that copies of its constitution are available at its principal office for inspection by members of the public at all reasonable hours. 35
- (4) A local authority must supply a copy of its constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

*Guidance*

**9Q Guidance**

- (1) A local authority must have regard to any guidance for the time being issued by the Secretary of State for the purposes of this Part.
- (2) Guidance under this section may make different provision for different cases or descriptions of local authority. 5

*Interpretation*

**9R Interpretation of Part 1A**

- (1) In this Part, unless the context otherwise requires –
- “committee system” has the meaning given by section 9B, 10
  - “committee system local authority” has the meaning given by section 9J(3),
  - “elected mayor” has the meaning given by section 9H,
  - “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983, 15
  - “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978),
  - “executive”, in relation to a local authority, is to be construed in accordance with section 9C, 20
  - “executive arrangements” has the meaning given by section 9B,
  - “executive leader” has the meaning given by section 9C(3)(a),
  - “first preference vote” has the meaning given by section 9HE,
  - “leader and cabinet executive (England)” has the meaning given by section 9C(3), 25
  - “local authority” means a county council in England, a district council or a London borough council,
  - “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972,
  - “mayor and cabinet executive” has the meaning given by section 9C(2), 30
  - “ordinary day of election”, in relation to a local authority, means the day of ordinary elections of councillors of the authority,
  - “the political balance requirements” means the provisions made by or under sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989, 35
  - “prescribed arrangements” has the meaning give by section 9B,
  - “second preference vote” has the meaning given by section 9HE.
- (2) In this Part “relevant election years”, in relation to a local authority, means the years specified in the second column of the following table in relation to that type of authority. 40

<i>Type of local authority</i>	<i>Relevant election years</i>		
Metropolitan district	2014 and every fourth year afterwards		
County	2013 and every fourth year afterwards		
London borough	2014 and every fourth year afterwards		
Non-metropolitan district	2011 and every fourth year afterwards	5	
<p>(3) Any reference in this Part to the chairman of a local authority –</p> <p style="padding-left: 2em;">(a) is a reference to that person whether or not the person is entitled to another style, and</p> <p style="padding-left: 2em;">(b) in the case of a London borough, is a reference to the person who (disregarding paragraphs 5B to 5I of Schedule 2 to the Local Government Act 1972) is referred to in Part 1 of that Schedule as the mayor of the borough.</p>			10
<p>(4) Any reference in this Part to the vice-chairman of a local authority –</p> <p style="padding-left: 2em;">(a) is a reference to that person whether or not the person is entitled to another style, and</p> <p style="padding-left: 2em;">(b) in the case of a London borough, is a reference to the person who (disregarding paragraphs 5B to 5I of Schedule 2 to the Local Government Act 1972) is referred to in Part 1 of that Schedule as the deputy mayor.</p>			15
<p>(5) Any reference in this Part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.</p>			20
<p>(6) Section 101 of the Local Government Act 1972 does not apply to the function of the passing of a resolution under any provision made by or under this Part.</p>			25
<p>(7) Any functions conferred on a local authority by virtue of this Part are not to be the responsibility of an executive of the authority under executive arrangements.</p>			
<p>(8) Any directions given by the Secretary of State under any provision of this Part –</p> <p style="padding-left: 2em;">(a) may be varied or revoked by subsequent directions given by the Secretary of State under that provision, and</p> <p style="padding-left: 2em;">(b) may make different provision for different cases, different local authorities or different descriptions of local authority.”</p>			30
PART 2			35

NEW SCHEDULE A1 TO THE LOCAL GOVERNMENT ACT 2000

2 Before Schedule 1 to the Local Government Act 2000 (executive

arrangements: further provision) insert—

“SCHEDULE A1

Section 9GB

EXECUTIVE ARRANGEMENTS IN ENGLAND: FURTHER PROVISION

*Mayor and cabinet executives*

- |   |  |    |
|---|--|----|
| 1 | (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a mayor and cabinet executive.   | 5  |
|   | (2) Subject to section 9C(5), the executive arrangements must include provision which enables the elected mayor to determine the number of councillors who may be appointed to the executive under section 9C(2)(b).                         | 10 |
|   | (3) The executive arrangements must include provision which requires the elected mayor to appoint one of the members of the executive to be his deputy (referred to in this paragraph as the deputy mayor).                                  |    |
|   | (4) Subject to sub-paragraph (5), the person who is appointed deputy mayor, unless the person resigns as deputy mayor or ceases to be a member of the authority, is to hold office until the end of the term of office of the elected mayor. | 15 |
|   | (5) The elected mayor may, if the elected mayor thinks fit, remove the deputy mayor from office.   | 20 |
|   | (6) Where a vacancy occurs in the office of deputy mayor, the elected mayor must appoint another person to be deputy mayor.  |    |
|   | (7) If for any reason the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in the elected mayor’s place.   | 25 |
|   | (8) If for any reason—   |    |
|   | (a) the elected mayor is unable to act or the office of elected mayor is vacant, and   |    |
|   | (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,   | 30 |
|   | the executive must act in the elected mayor’s place or must arrange for a member of the executive to act in the elected mayor’s place.   |    |

*Leader and cabinet executives (England)*

- |   |   |    |
|---|---|----|
| 2 | (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive (England).   | 35 |
|   | (2) Subject to section 9C(5), the executive arrangements must include provision which enables the executive leader to determine the number of councillors who may be appointed to the executive under section 9C(3)(b). | 40 |
|   | (3) The executive arrangements must include provision which requires the executive leader to appoint one of the members of the  |    |

executive to be the executive leader’s deputy (referred to in this paragraph as the deputy executive leader).

- (4) Subject to sub-paragraph (5), the person who is appointed deputy executive leader, unless the person resigns as deputy executive leader or ceases to be a member of the authority, is to hold office until the end of any term of office of the executive leader (where the executive arrangements provide for such a term). 5
- (5) The executive leader may, if the executive leader thinks fit, remove the deputy executive leader from office.
- (6) Where a vacancy occurs in the office of deputy executive leader, the executive leader must appoint another person to be deputy executive leader. 10
- (7) If for any reason the executive leader is unable to act or the office of executive leader is vacant, the deputy executive leader must act in the executive leader’s place. 15
- (8) If for any reason –
- (a) the executive leader is unable to act or the office of executive leader is vacant, and
  - (b) the deputy executive leader is unable to act or the office of deputy executive leader is vacant, 20
- the executive must act in the executive leader’s place or must arrange for a member of the executive to act in the executive leader’s place.

#### *Procedure*

- 3 Executive arrangements by a local authority may include provision with respect to – 25
- (a) the quorum, proceedings and location of meetings of the executive,
  - (b) the appointment of committees of the executive, and
  - (c) the quorum, proceedings and location of meetings of committees of the executive. 30

#### *Meetings of executives and executive committees*

- 4 A member of a local authority who is not a member of the authority’s executive is entitled to attend, and speak at, a meeting of the executive, or of a committee of the executive, which is held in private only if invited to do so. 35

#### *Mayor’s assistant*

- 5 (1) The Secretary of State may by regulations make provision for or in connection with the appointment of a person (an “assistant”) to provide assistance to an elected mayor. 40
- (2) Regulations under this paragraph may, in particular, include provision with respect to the terms and conditions of appointment of an assistant.

*Overview and scrutiny committees: education functions*

- 6 (1) In paragraphs 7 and 8 “relevant authority” means a local authority which is a local education authority.
- (2) Paragraphs 7 and 8 apply to an overview and scrutiny committee of a relevant authority if the committee’s functions under section 9F relate wholly or partly to any education functions which are the responsibility of the authority’s executive. 5
- (3) Paragraph 7 and 8 also apply to a sub-committee of an overview and scrutiny committee of a relevant authority if the sub-committee’s functions under section 9FA relate wholly or partly to any education functions which are the responsibility of the authority’s executive. 10
- 7 (1) In the case of a relevant authority that maintains one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person. 15
- (2) A person is a qualifying person for the purposes of sub-paragraph (1) if the person is nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in the authority concerned’s area. 20
- (3) In the case of a relevant authority that maintains one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- (4) A person is a qualifying person for the purposes of sub-paragraph (3) if the person is nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in the authority concerned’s area. 25
- (5) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (1) or (3) is to be entitled to vote at a meeting of the committee or sub-committee on any question – 30
- (a) which relates to any education functions which are the responsibility of the authority concerned’s executive, and
- (b) which falls to be decided at the meeting. 35
- (6) The Secretary of State may by directions to a relevant authority require any of the authority’s overview and scrutiny committees or sub-committees to which this paragraph applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for the foundation or voluntary schools maintained by the authority which are not Church of England schools or Roman Catholic Church schools but which are specified in the directions. 40
- (7) Directions under sub-paragraph (6) may make provision with respect to the voting rights of persons appointed in accordance with such directions. 45



- 
- 8 (1) The Secretary of State may by regulations require an overview and scrutiny committee or sub-committee to which this paragraph applies to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools which are maintained by the relevant authority concerned. 5
- (2) Regulations under this paragraph may make provision for –
- (a) the number of persons who are to be elected in the case of any relevant authority,
  - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election, 10
  - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected, 15
  - (d) the term of office of persons so elected and their voting rights,
  - (e) the application to any such committee or sub-committee, with or without any modification, of any enactment (whenever passed or made) relating to committees or (as the case may be) sub-committees of a local authority, 20
  - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (3) Regulations under this paragraph may also make provision – 25
- (a) enabling the Secretary of State to determine, where the Secretary of State considers it expedient to do so in view of the small number of maintained schools which are maintained by a relevant authority, that the requirement imposed on the committee or sub-committee by virtue of sub-paragraph (1) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools, 30
  - (b) for any regulations under this paragraph to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed. 35
- 9 The following provisions of the Education Act 1996, namely –
- (a) section 496 (powers of Secretary of State to require duties under that Act to be exercised reasonably), and 40
  - (b) section 497 (powers of Secretary of State where local education authorities etc are in default),
- are to apply to the performance of any duty imposed on a local authority by virtue of paragraphs 6 to 8 as they apply to the performance by a local education authority of a duty imposed by that Act. 45
- 10 Except for the expression “local authority”, expressions used in paragraphs 6 to 9 and the School Standards and Framework Act 1998 have the same meaning in those paragraphs as in that Act.

*Overview and scrutiny committees: voting rights of co-opted members*

- 11 (1) A local authority may permit a co-opted member of an overview and scrutiny committee of the authority to vote at meetings of the committee.
- (2) Permission under sub-paragraph (1) may only be given in accordance with a scheme made by the local authority. 5
- (3) A scheme for the purposes of this paragraph may include –
- (a) provision for a maximum or minimum in relation to the number of co-opted members of an overview and scrutiny committee entitled to vote at meetings of the committee, and 10
- (b) provision for giving effect to any maximum or minimum established under paragraph (a).
- (4) The power to make a scheme for the purposes of this paragraph includes power to vary or revoke such a scheme. 15
- (5) In this paragraph, references to a co-opted member, in relation to an overview and scrutiny committee of a local authority, are to a member of the committee who is not a member of the authority.
- 12 (1) The Secretary of State may by regulations make provision about the exercise of the powers under paragraph 11. 20
- (2) Regulations under sub-paragraph (1) may, in particular, require schemes for the purposes of paragraph 11 (“voting rights schemes”) –
- (a) to provide for permission to be given only by means of approving a proposal by the committee concerned; 25
- (b) to provide for a proposal for the purposes of the scheme (“a scheme proposal”) to specify –
- (i) the person to whom the proposal relates,
- (ii) the questions on which it is proposed the person should be entitled to vote, and 30
- (iii) the proposed duration of the person’s entitlement to vote,
- and to include such other provision about the form and content of such a proposal as the regulations may provide;
- (c) to provide for a scheme proposal to be made only in accordance with a published statement of the policy of the committee concerned about the making of such proposals; 35
- (d) to include such provision about the procedure to be followed in relation to the approval of scheme proposals as the regulations may provide. 40
- (3) Regulations under sub-paragraph (1) may include provision for the notification to the Secretary of State by local authorities of the making, variation or revocation of voting rights schemes.
- (4) The Secretary of State may by direction require a local authority to vary a voting rights scheme. 45
- 13 (1) A local authority which makes a scheme for the purposes of paragraph 11 must, while the scheme is in force, make copies of it

available at its principal office at all reasonable hours for inspection by members of the public.

- (2) If a local authority makes a scheme for the purposes of paragraph 11, or varies or revokes such a scheme, it must as soon as reasonably practicable after doing so publish in one or more newspapers circulating in its area a notice which complies with this paragraph. 5
- (3) In the case of the making of a scheme, the notice under subparagraph (2) must— 10
- (a) record the making of the scheme,
  - (b) describe what it does,
  - (c) state that copies of it are available for inspection at the principal office of the local authority, and
  - (d) specify— 15
    - (i) the address of that office, and
    - (ii) the times when the scheme is available for inspection there.
- (4) In the case of the variation of a scheme, the notice under subparagraph (2) must— 20
- (a) record the variation,
  - (b) describe what it does,
  - (c) state that copies of the scheme as varied are available for inspection at the principal office of the local authority, and
  - (d) specify— 25
    - (i) the address of that office, and
    - (ii) the times when the scheme is available for inspection there.
- (5) In the case of the revocation of a scheme, the notice under subparagraph (2) must record the revocation.”

### SCHEDULE 3

Section 12 30

#### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

##### *Local Government Act 1972 (c. 70)*

- 1 The Local Government Act 1972 is amended as follows.
- 2 In section 2 (constitution of principal councils in England) in subsection (2A) omit “or a mayor and council manager executive”. 35
- 3 (1) Section 101 (arrangements for discharge of functions by local authorities) is amended as follows.
- (2) In subsection (1C) after “section” insert “9EB or”.
- (3) In subsection (5B) after “section” insert “9EC or”. 40

- 4 In section 102 (appointment of committees) in subsection (1A) after “section” insert “9EA or”.
- 5 In section 245 (status of certain districts, parishes and communities) in subsections (1A) and (4A)(a) omit “or a mayor and council manager executive”.
- 6 (1) Section 270(1) (general provisions as to interpretation) is amended as follows.
- (2) In the definition of “elected mayor” after “has” insert “–
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
- (b) in relation to Wales,”.
- (3) In the definition of “executive”, “executive arrangements” and “executive leader” after “have” insert “–
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
- (b) in relation to Wales,”.
- (4) In the definition of “leader and cabinet executive (England)” for “Part 2” substitute “Part 1A”.
- (5) In the definition of “mayor and cabinet executive” for “have” substitute “has –
- (a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and
- (b) in relation to Wales,”.

*Crime and Disorder Act 1998 (c. 37)*

- 7 In section 5 of the Crime and Disorder Act 1998 (authorities responsible for crime and disorder strategies etc) in subsection (1D) in paragraph (d) of the definition of “the relevant provisions” after “section” insert “9F, 9FA or”.

*Local Government Act 2000 (c. 22)*

- 8 The Local Government Act 2000 is amended as follows.
- 9 In the heading of Part 2 (arrangements with respect to executives etc) for “ARRANGEMENTS” substitute “LOCAL AUTHORITIES IN WALES: ARRANGEMENTS”.
- 10 In section 10 (executive arrangements) after “local authority” (in both places) insert “in Wales”.
- 11 (1) Section 11 (forms of local authority executives) is amended as follows.
- (2) In subsection (2) for “In the case of any local authority in England or Wales, the” substitute “The”.
- (3) Omit subsection (2A).
- (4) In subsection (3) for “In the case of any local authority in Wales, the” substitute “The”.
- (5) In subsection (5) –

- (a) for “In the case of a local authority in England or Wales, the” substitute “The”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (8) after “leader and cabinet executive” insert “(Wales)”.
- (7) In subsection (9) – 5
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) omit “in relation to Wales”.
- (8) Omit subsection (9A).
- (9) In subsection (10) omit “(2A)(a) or”.
- 12 (1) Section 12 (additional forms of executive) is amended as follows. 10
- (2) In subsection (1) –
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) in paragraph (a) for “him” substitute “them”, and
- (c) in paragraphs (b) and (d) for “he considers” substitute “they consider”. 15
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3)(a) for “Secretary of State” substitute “Welsh Ministers”.
- 13 (1) Section 13 (functions which are the responsibility of an executive) is amended as follows.
- (2) In subsection (3) for “Secretary of State” substitute “Welsh Ministers”. 20
- (3) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (9)(b) omit the words from “or section 236” to “England”.
- (5) In subsection (12) for “Secretary of State” substitute “Welsh Ministers”.
- 14 (1) Section 14 (discharge of functions: general) is amended as follows.
- (2) In the heading for “general” substitute “mayor and cabinet executive”. 25
- (3) In subsection (1) for the words from “of” to the end substitute “of a mayor and cabinet executive are to be discharged in accordance with this section”.
- (4) In subsections (2) to (5) for “senior executive member” (in each place that it appears) substitute “elected mayor”.
- (5) In subsection (6) – 30
- (a) for “a senior executive member” substitute “an elected mayor”, and
- (b) for “the senior executive member” substitute “the elected mayor”.
- (6) Omit subsection (7).
- 15 In section 17 (discharge of functions: section 11(5) executive) in subsection (1) for “Secretary of State” substitute “Welsh Ministers”. 35
- 16 (1) Section 18 (discharge of functions by area committees) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.

- (3) In subsection (3) in the definition of “area committee” for the words from “means –” to “in Wales,” substitute “means”.
- (4) Omit subsections (4) and (5).
- (5) In subsection (6) omit “in Wales”.
- 17 (1) Section 19 (discharge of functions of and by another local authority) is amended as follows. 5
- (2) In subsection (1) –
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) omit the words “(within the meaning of this Part)” in the first place they appear, 10
- (c) for paragraph (a) substitute –
- “(a) by a relevant authority (other than the local authority), or”, and
- (d) in paragraph (b) for “an executive of another local authority (within the meaning of this Part)” substitute “a relevant executive (other than an executive of the local authority)”. 15
- (3) In subsection (2) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) for “local authority (within the meaning of section 101 of that Act)” substitute “relevant authority in Wales”, and 20
- (c) for “an executive of another local authority (within the meaning of this Part)” substitute “a relevant executive (other than an executive of the relevant authority)”.
- (4) In subsection (3) for “local authority” substitute “relevant authority in Wales”. 25
- (5) In subsection (4) –
- (a) in paragraph (a) –
- (i) for “an executive of a local authority” substitute “a relevant executive”, and
- (ii) after “the authority” insert “of which the executive is part”, 30
- (b) in paragraph (b) for “local authority” substitute “relevant authority”, and
- (c) in paragraph (c) for “an executive of a local authority” substitute “a relevant executive”.
- (6) In subsection (8) for ““specified”” substitute “–
- “relevant authority” means a local authority within the meaning of section 101 of the Local Government Act 1972;
- “relevant executive” means an executive of a local authority under either this Part or Part 1A;
- “specified””. 35 40
- 18 In section 20 (joint exercise of functions) in subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
- 19 (1) Section 21 (overview and scrutiny committees) is amended as follows.
- (2) In subsection (2)(f) –
- (a) omit “section 244 of the National Health Service Act 2006 or”, 45

- (b) for “either of those sections” substitute “that section”, and  
(c) for “the Act concerned, and as extended by the section concerned” substitute “that Act, as extended by that section”.
- (3) In subsection (2ZA) omit “in Wales”.
- (4) In subsection (2A) – 5  
(a) omit paragraphs (a) and (b), and  
(b) in paragraph (e) for the words from “committee–” to “a joint overview and scrutiny committee” substitute “committee”.
- (5) In subsection (4) – 10  
(a) for “21A to 21C” substitute “21A and 21B”, and  
(b) omit the words from “or any functions” to the end.
- (6) In subsection (10) – 15  
(a) for “paragraphs 7 to” substitute “paragraph 8 or”, and  
(b) omit “; unless permitted to do so under paragraph 12 of that Schedule”.
- (7) In subsection (10A) omit “in Wales”.
- (8) In subsection (13) – 20  
(a) in paragraph (aa) omit the words from “by virtue of” to “England) or”, and  
(b) in paragraph (c) omit the words from the beginning to “in Wales”.
- (9) In subsection (16) –  
(a) omit paragraph (a), and  
(b) in paragraph (b) omit “in Wales”.
- 20 Omit section 21ZA (scrutiny officers).
- 21 (1) Section 21A (reference of matters to overview and scrutiny committees) is amended as follows. 25  
(2) In subsection (3) omit the words from “(in the case of a local authority in England” to “Wales)”.
- (3) In subsection (6)(a) omit the words from “section 236” to “2007 or”.
- (4) Omit subsections (10) and (11). 30
- (5) In subsection (12) omit “in Wales”.
- 22 Omit section 21C (reports and recommendations of overview and scrutiny committees: duties of certain partner authorities).
- 23 (1) Section 21D (publication etc of reports, recommendations and responses: confidential and exempt information) is amended as follows. 35  
(2) In subsection (1)(b) omit sub-paragraph (ii).  
(3) In subsection (2) omit “or providing a copy of the document to a relevant partner authority”.
- (4) In subsection (6) – 40  
(a) in the definition of “exempt information” –

- (i) omit “section 246 of the National Health Service Act 2006 or”,  
and
- (ii) at the end insert “and”, and
- (b) omit the definition of “relevant partner authority”.
- 24 Omit section 21E (overview and scrutiny committees of certain district councils: functions with respect to partner authorities). 5
- 25 (1) Section 21F (as inserted by the Local Government (Wales) Measure 2011 (nawm 4)) (Wales: notifying designated body of report or recommendations) is amended as follows.
- (2) In the title for “Wales: notifying” substitute “Notifying”. 10
- (3) In subsection (1) omit “in Wales”.
- 26 Omit section 21F (as inserted by the Flood and Water Management Act 2010) (overview and scrutiny committees: flood risk management).
- 27 In the title of section 21G (Wales: designated persons) for “Wales: designated” substitute “Designated”. 15
- 28 (1) Section 22 (access to information) is amended as follows.
- (2) In subsections (6), (8) to (10), (12) and (13) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (12A)–
- (a) for the words from “Secretary” to “Wales),” substitute “Welsh Ministers”, and
- (b) in paragraph (a) omit the words from “, or under” to “section 21B,”. 20
- 29 Omit section 22A (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities).
- 30 In section 25 (proposals) in subsections (1)(b), (5), (6)(a), (7) and (8) for “Secretary of State” substitute “Welsh Ministers”. 25
- 31 (1) Section 27 (referendum in case of proposals involving elected mayor) is amended as follows.
- (2) In subsections (1)(b), (5), (6), (8)(c), (9) and (10) for “Secretary of State” substitute “Welsh Ministers”. 30
- (3) In subsection (5) for “him” substitute “them”.
- 32 (1) Section 28 (approval of outline fall-back proposals) is amended as follows.
- (2) In subsections (1) and (2) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (3) for “Secretary of State approves” substitute “Welsh Ministers approve”. 35
- 33 Omit section 31 (alternative arrangements).
- 34 Omit section 32 (alternative arrangements).
- 35 (1) Section 33ZA (Wales: changing governance arrangements) is amended as follows. 40



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- (2) In the heading for “Wales: changing” substitute “Changing”.
- (3) Omit “in Wales,”.
- 36 Omit section 33A (executive arrangements).
- 37 Omit section 33B (executive arrangements: other variations of arrangements). 5
- 38 Omit section 33C (alternative arrangements: move to executive arrangements).
- 39 Omit section 33D (alternative arrangements: variation of arrangements).
- 40 Omit section 33E (proposals by local authority).
- 41 Omit section 33F (resolution of local authority). 10
- 42 Omit section 33G (implementation: new executive or move to executive arrangements).
- 43 Omit section 33H (implementation: other change in governance arrangements).
- 44 Omit section 33I (general). 15
- 45 Omit section 33J (new form of executive or move to executive: general requirements) and the italic heading immediately before it (further requirements for certain changes).
- 46 Omit section 33K (changes subject to approval in referendum: additional requirements). 20
- 47 Omit section 33L (change not subject to approval in a referendum: additional requirements).
- 48 Omit section 33M (cases in which change is subject to approval in referendum).
- 49 Omit section 33N (variation of mayoral executive). 25
- 50 Omit section 33O (interpretation) and the italic heading immediately before it (miscellaneous).
- 51 (1) Section 34 (referendum following petition) is amended as follows.
- (2) In subsections (1) and (2)(k) for “Secretary of State” substitute “Welsh Ministers”. 30
- (3) In subsection (1A) for the words from “means –” to “Wales,” substitute “means”.
- (4) In subsection (3) omit “or of any of sections 33A to 33O”.
- 52 (1) Section 35 (referendum following direction) is amended as follows.
- (2) In subsection (1) – 35
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) for “him” substitute “them”.
- (3) In subsection (2)(d) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) omit “or of any of sections 33A to 33O”.

- 53 (1) Section 36 (referendum following order) is amended as follows.
- (2) In subsections (1) and (2)(d) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (3) omit “or of any of sections 33A to 33O”.
- 54 In section 37 (local authority constitution) in subsection (1)(a) for “Secretary of State” substitute “Welsh Ministers”. 5
- 55 In section 38 (guidance) in subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
- 56 (1) Section 39 (elected mayors etc) is amended as follows.
- (2) Omit subsection (2). 10
- (3) In subsection (3) omit “in Wales”.
- (4) In subsection (5B)(a) for “Secretary of State” substitute “Welsh Ministers”.
- (5) In subsection (5C) for the words from the beginning to “1972 are” substitute “Section 21(1A) of the Local Government Act 1972 is”.
- (6) After subsection (5C) insert – 15
- “(5D) A statutory instrument containing regulations made under subsection (5B)(a) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (7) Omit subsection (6).
- 57 In section 41 (time of elections etc) for “Secretary of State” substitute “Welsh Ministers”. 20
- 58 Omit section 44A (election of leader: whole-council elections) and the italic heading immediately before it (leader and cabinet executives (England)).
- 59 Omit section 44B (election of leader: partial-council elections).
- 60 Omit section 44C (removal of leader). 25
- 61 Omit section 44D (term of office of leader: whole-council elections).
- 62 Omit section 44E (term of office of leader: partial council elections).
- 63 Omit section 44F (leader to continue to hold office as councillor).
- 64 Omit section 44G (no other means of electing or removing leader).
- 65 Omit section 44H (regulations). 30
- 66 (1) Section 45 (provisions with respect to referendums) is amended as follows.
- (2) In subsection (1) for the words from “authority –” to “in Wales” substitute “authority”.
- (3) In subsections (5), (6) and (8A) for “Secretary of State” substitute “Welsh Ministers”. 35
- (4) In subsection (8B) –
- (a) in paragraph (a) –

- |     |  |    |
|-----|--|----|
|     | (i) for “Parliament in accordance with section 105(6)” substitute “the National Assembly for Wales”, and   |    |
|     | (ii) for “Secretary of State” substitute “Welsh Ministers”, and  |    |
|     | (b) in paragraph (b) –   |    |
|     | (i) for “Secretary of State” substitute “Welsh Ministers”, and   | 5  |
|     | (ii) for “each House” substitute “the National Assembly for Wales”.  |    |
| (5) | In subsection (8D) –   |    |
|     | (a) in paragraph (a) –   |    |
|     | (i) for “Parliament in accordance with section 105(6)” substitute “the National Assembly for Wales”, and   | 10 |
|     | (ii) for “Secretary of State” substitute “Welsh Ministers”, and  |    |
|     | (b) in paragraph (b) –   |    |
|     | (i) for “Parliament” substitute “the National Assembly for Wales”,   | 15 |
|     | (ii) for “Secretary of State” substitute “Welsh Ministers”,  |    |
|     | (iii) for “each House” substitute “the Assembly”, and  |    |
|     | (iv) for “his” substitute “their”.   |    |
| (6) | In subsection (9) omit “or 33K”.   |    |
| 67  | (1) Section 47 (power to make incidental, consequential provision etc) is amended as follows.  | 20 |
|     | (2) In subsection (1) –  |    |
|     | (a) for “Secretary of State” substitute “Welsh Ministers”,   |    |
|     | (b) for “he considers” substitute “they consider”.   |    |
|     | (3) In subsection (4) omit “(including changes of the kinds set out in sections 33A to 33D)”.  | 25 |
|     | (4) In subsection (6) omit paragraph (b).  |    |
| 68  | (1) Section 48 (interpretation of Part 2) is amended as follows.   |    |
|     | (2) In subsection (1) –  |    |
|     | (a) in the definition of “executive leader” for “section 11(2A)(a) or (3)(a)” substitute “section 11(3)(a)”,   | 30 |
|     | (b) in the definition of “local authority” for the words from “means –” to “Wales, a county council” substitute “means a county council in Wales”, and |    |
|     | (c) omit the definition of “ordinary day of election”.   | 35 |
|     | (3) Omit subsection (1A).  |    |
|     | (4) In subsection (2) omit paragraph (b).  |    |
|     | (5) In subsection (3) omit paragraph (b).  |    |
|     | (6) In subsection (7) –  |    |
|     | (a) for “Secretary of State” substitute “Welsh Ministers”, and   | 40 |
|     | (b) for “him” substitute “them”.   |    |
| 69  | In section 48A (functions of the Lord President of the Council) for “sections 44 and 45” substitute “section 44”.                                      |    |

- 70 (1) Section 105 (orders and regulations) is amended as follows.
- (2) In subsection (6) –
- (a) after “6,” insert “9HA, 9N,” and
- (b) for “section 11(5), 31(1)(b), 32, 33O(6), 44 or 45” substitute “section 9BA, 9HG or 44”. 5
- (3) After subsection (7) insert –
- “(7A) If a draft of a statutory instrument containing an order under section 9HA or 9N would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.” 10
- 71 In section 106 (Wales) in subsection (1) omit paragraph (a).
- 72 (1) Schedule 1 (executive arrangements: further provision) is amended as follows.
- (2) In the heading of the Schedule (executive arrangements: further provision) after “ARRANGEMENTS” insert “IN WALES”. 15
- (3) In paragraph 1(9) for “In the case of a local authority in Wales, the” substitute “The”.
- (4) Omit paragraph 1A and the heading immediately before it.
- (5) In paragraph 6(1) for “Secretary of State” substitute “Welsh Ministers”. 20
- (6) Omit paragraph 7.
- (7) In paragraph 8 –
- (a) in sub-paragraph (1) omit –
- (i) “Welsh”, and
- (ii) “in Wales”, 25
- (b) in sub-paragraphs (2), (3) and (7) omit “Welsh”, and
- (c) in sub-paragraphs (4) and (7) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (8) In paragraph 9 –
- (a) in sub-paragraph (4) for “Secretary of State” substitute “Welsh Ministers”, 30
- (b) in sub-paragraph (5)(f) for “Secretary of State considers” substitute “Welsh Ministers consider”,
- (c) in sub-paragraph (6)(a) –
- (i) for “Secretary of State” substitute “Welsh Ministers”, and 35
- (ii) for “he considers” substitute “they consider”, and
- (d) in sub-paragraph (6)(b) for “Secretary of State makes” substitute “Welsh Ministers make”.
- (9) In paragraph 10 omit “7”.
- (10) In paragraph 11 for “7” substitute “8”. 40
- (11) Omit paragraphs 12 to 14 and the italic heading immediately before paragraph 12 (overview and scrutiny committees: voting rights of co-opted members).

*National Health Service Act 2006 (c. 41)*

- 73 The National Health Service Act 2006 is amended as follows.
- 74 In section 244 (functions of overview and scrutiny committees) after subsection (4) insert –
- “(5) In this section, section 245 and section 246 references to an overview and scrutiny committee include references to –
- (a) an overview and scrutiny committee of a local authority operating executive arrangements under Part 1A of the Local Government Act 2000 (executive arrangements in England), and
- (b) an overview and scrutiny committee appointed by a local authority under section 9JA of that Act (appointment of overview and scrutiny committees by committee system local authorities).”
- 75 (1) Section 245 (joint overview and scrutiny committees etc) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a) –
- (i) for “Part 2” substitute “Part 1A”, and
- (ii) for “section 21(2)(f)” substitute “section 9F(2)(f)”, and
- (b) for paragraph (b) and the words from that paragraph to the end of the subsection substitute –
- “(b) in relation to a local authority operating a committee system under that Part, are any corresponding functions which are or, but for regulations under this section, would be, exercisable by an overview and scrutiny committee of the authority appointed under section 9JA of that Act.”
- (3) In subsection (3)(b) –
- (a) in sub-paragraph (i) for “section 21(4) and (6) to (17)” substitute “sections 9F(5), 9FA, 9FC to 9FG and 9FJ”, and
- (b) omit sub-paragraphs (ia) and (ib).
- (4) In subsection (7) for “Section 21(4)” substitute “Section 9F(5)”.
- (5) In subsection (8) for “Section 21(10)” substitute “Section 9FA(5)”.
- 76 In section 246 (overview and scrutiny committees: exempt information) in subsection (1) –
- (a) after “relating to” insert “ –
- (a) ”,
- (b) for “section 21(2)(f)” substitute “section 9F(2)(f)”, and
- (c) after “(c. 22)” insert “, or
- (b) corresponding functions of an overview and scrutiny committee appointed under section 9JA of that Act”.
- 77 (1) Section 247 (application to the City of London) is amended as follows.
- (2) In subsection (1) for “section 21(2)(f)” substitute “section 9F(2)(f)”.

- (3) In subsection (3) –
- (a) for “Section 21” substitute “Section 9F”,
  - (b) in paragraph (a) for “(3), (5) and (9)” substitute “(4)”, and
  - (c) omit paragraphs (b) to (d).
- (4) After subsection (3) insert – 5
- “(3A) Section 9FA of the Local Government Act 2000 applies as if such a committee were an overview and scrutiny committee and as if the Common Council were a local authority, but with the omission –
- (a) of subsection (3),
  - (b) in subsection (6), of paragraph (b), and 10
  - (c) in subsection (8)(a), of the reference to members of the executive.”
- (5) In subsection (4) –
- (a) for “and (3)” substitute “to (3A)”, and
  - (b) for “section 21(2)” substitute “section 9F(2)”. 15
- 78 After section 247 (application to the City of London) insert –
- “247A Application to certain other local authorities without overview and scrutiny committees**
- (1) This section applies to a local authority (“Authority A”) that –
- (a) is – 20
    - (i) a county council in England,
    - (ii) a London borough council, or
    - (iii) a district council for an area for which there is no county council,
  - (b) does not operate executive arrangements, and 25
  - (c) has not appointed an overview and scrutiny committee under section 9JA of the Local Government Act 2000 (“the 2000 Act”).
- (2) Authority A must establish a committee which has, in relation to Authority A’s area, the functions which under section 9F(2)(f) of the 2000 Act the overview and scrutiny committee of a local authority operating executive arrangements (“Authority B”) has in relation Authority B’s area. 30
- (3) In relation to the committee established by Authority A under subsection (2) – 35
- (a) sections 244(2) to (4), 245 and 246 (and Schedule 17 to this Act and Schedule 11 to the National Health Service (Wales) Act 2006) apply as if the committee were an overview and scrutiny committee,
  - (b) section 9F of the 2000 Act applies as if – 40
    - (i) the committee were an overview and scrutiny committee,
    - (ii) subsections (1) to (4) were omitted, and
    - (iii) in subsection (5) for paragraphs (a) to (c) there were substituted “its functions under section 247A(2) of the National Health Service Act 2006”, 45

- (c) section 9FA of the 2000 Act applies as if—
    - (i) the committee were an overview and scrutiny committee,
    - (ii) subsection (3) were omitted, and
    - (iii) in subsection (8)(a) the reference to members of the executive were a reference to members of the authority, and
  - (d) paragraphs 11 to 13 of Schedule A1 to the 2000 Act apply as if the committee were an overview and scrutiny committee.
- (4) In the provisions as applied by subsection (3) references to functions under any provision of section 9F(2) of the 2000 Act are, in the case of a committee established by Authority A under subsection (2), references to the committee’s functions under subsection (2).
- (5) In this section “executive arrangements” means executive arrangements under Part 1A of the 2000 Act.”

*Police and Justice Act 2006 (c. 48)*

79 The Police and Justice Act 2006 is amended as follows.

80 (1) Section 19 (local authority scrutiny of crime and disorder matters) is amended as follows.

- (2) In subsection (3)(a) —
  - (a) after the first “section” insert “9F(2) or”, and
  - (b) after the second “section” insert “9JA(2) or”.
- (3) In subsection (9) omit “(within the meaning of Part 2 of the Local Government Act 2000 (c. 22))”.
- (4) After subsection (9) insert —
  - “(9A) In subsection (9) “overview and scrutiny committee” means —
    - (a) in relation to England, an overview and scrutiny committee within the meaning of Chapter 2 of Part 1A of the Local Government Act 2000 (see section 9F of that Act), and
    - (b) in relation to Wales, an overview and scrutiny committee within the meaning of Part 2 of that Act (see section 21 of that Act).
  - (9B) In the case of a local authority that operates a committee system and has appointed one or more overview and scrutiny committees under section 9JA of the Local Government Act 2000, the crime and disorder committee is to be one of those committees.”
- (5) In subsection (10) for the words from “not” to “Act 2000” substitute “in cases that are not within subsection (9) or (9B)”.
- (6) In subsection (11) —
  - (a) before the definition of “crime and disorder functions” insert —
    - ““committee system” has the same meaning as in Part 1A of the Local Government Act 2000 (see section 9B(4) of that Act);”
  - (b) in the definition of “executive arrangements” for the words from the

- second “executive” to the end substitute “ –
- “(a) in relation to England, executive arrangements under Part 1A of the Local Government Act 2000, and
- (b) in relation to Wales, executive arrangements under Part 2 of that Act;”.
- 81 In Schedule 8 (further provision about crime and disorder committees of certain local authorities) in paragraph 1(1) –
- (a) after “authority” insert “ –
- (a) ”,
- (b) after “Part” insert “1A or”, and
- (c) after “(c. 22)” insert “, and
- (b) that has not appointed an overview and scrutiny committee under section 9JA of that Act”.

## SCHEDULE 4

Section 15

## CONDUCT OF LOCAL GOVERNMENT MEMBERS

15

## PART 1

## AMENDMENTS OF EXISTING PROVISIONS

*Parliamentary Commissioner Act 1967 (c. 13)*

- 1 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit the entry for the Standards Board for England. 20

*House of Commons Disqualification Act 1975 (c. 24)*

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Standards Board for England.

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 3 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Standards Board for England. 25

*Race Relations Act 1976 (c. 74)*

- 4 In Part 3 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) omit the entry for the Standards Board for England. 30

*Local Government and Housing Act 1989 (c. 42)*

- 5 (1) Section 3A of the Local Government and Housing Act 1989 (grant and supervision of exemptions from political restriction: England) is amended as follows. 35
- (2) In subsection (1) –



- 
- (a) for “standards committee” substitute “head of paid service”,
  - (b) omit “which is a relevant authority”,
  - (c) in paragraph (a) for “committee” substitute “head of paid service”, and
  - (d) in that paragraph and paragraph (b) omit “relevant”. 5
- (3) In subsection (2)(a) omit “relevant”.
- (4) In subsection (3) –
- (a) for “standards committee” substitute “head of paid service”,
  - (b) for “committee” substitute “head of paid service”, and
  - (c) in paragraph (b) omit “relevant”. 10
- (5) In subsection (4) –
- (a) for “standards committee” substitute “local authority’s head of paid service”,
  - (b) for “committee” substitute “head of paid service”, and
  - (c) in paragraph (b)(i) omit “relevant”. 15
- (6) Omit subsection (5).
- (7) In subsection (6) –
- (a) omit “which is a relevant authority”, and
  - (b) in paragraph (a) –
    - (i) for “standards committee” substitute “head of paid service”, 20
    - (ii) for “committee” substitute “head of paid service”, and
    - (iii) omit “its”.
- (8) In subsection (7) –
- (a) omit “its”, and
  - (b) for “standards committee” substitute “local authority’s head of paid service”. 25
- (9) After that subsection insert –
- “(7A) In carrying out functions under this section a local authority’s head of paid service must consult the monitoring officer of that authority (unless they are the same person). 30
  - (7B) The Secretary of State may by regulations make provision about the application of this section to a local authority that is not required to designate one of its officers as the head of its paid service.
  - (7C) Regulations under subsection (7B) may apply any provisions of this section (with or without modifications) to an authority to which they apply.” 35
- (10) Omit subsections (8) to (10).

*Local Government Act 2000 (c. 22)*

- 6 The Local Government Act 2000 is amended as follows.
- 7 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended as follows. 40
- (2) Omit subsection (1).

- 
- (3) In subsection (2) omit “in Wales (other than police authorities)”.
- (4) Omit subsections (2C), (3) and (4).
- (5) In subsection (5)(a) omit “in Wales”.
- (6) In subsection (6) –
- (a) in paragraph (a) at the end insert “in Wales”, 5
  - (b) omit paragraphs (c) to (e),
  - (c) omit paragraphs (g) to (k),
  - (d) in paragraph (l) after “authority” insert “in Wales”,
  - (e) omit paragraphs (m) to (o), and
  - (f) in paragraph (p) after “authority” insert “in Wales”. 10
- 8 (1) Section 50 (model code of conduct) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2) omit “in Wales other than police authorities”.
- (4) In subsection (3) omit “(1) or”.
- (5) In subsection (4)(a) omit – 15
- (a) “49(1) or”, and
  - (b) “(as the case may be)”.
- (6) Omit subsections (4C) and (4D).
- (7) In subsection (5) omit “the Secretary of State or”.
- (8) Omit subsections (6) and (7). 20
- 9 (1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended as follows.
- (2) In subsection (4C) omit the words from “by a” to “police authority”.
- (3) In subsection (6)(c) –
- (a) omit sub-paragraph (i), and 25
  - (b) in sub-paragraph (ii) omit the words from “in the case” to “in Wales,”.
- 10 In section 52(2) (power for prescribed form of declaration of acceptance of office to include undertaking to observe code of conduct) after “1972” insert “in relation to a relevant authority”. 30
- 11 (1) Section 53 (standards committees) is amended as follows.
- (2) In subsection (2) omit “parish council or”.
- (3) Omit subsections (3) to (10).
- (4) In subsection (11) –
- (a) in paragraph (a) omit “in Wales other than police authorities”, and 35
  - (b) in paragraph (k) omit “in Wales (other than police authorities)”.
- (5) In subsection (12) omit “(6)(c) to (f) or”.
- 12 (1) Section 54 (functions of standards committees) is amended as follows.

	(2) Omit subsection (4).	
	(3) In subsection (5) omit “in Wales (other than police authorities)”.	
	(4) Omit subsection (6).	
	(5) In subsection (7) omit “in Wales (other than police authorities)”.	
13	(1) Section 54A (sub-committees of standards committees) is amended as follows.	5
	(2) In subsection (3) omit “, but this is subject to section 55(7)(b)”.	
	(3) Omit subsection (4).	
	(4) In subsection (5) omit “in Wales other than a police authority”.	
	(5) In subsection (6) –	10
	(a) omit “section 55(5) and to”, and	
	(b) for “53(6)(a) or (11)(a)” substitute “53(11)(a)”.	
14	Omit section 55 (standards committees for parish councils).	
15	Omit section 56A (joint committees of relevant authorities in England).	
16	Omit section 57 (Standards Board for England).	15
17	Omit section 57A (written allegations: right to make, and initial assessment).	
18	Omit section 57B (right to request review of decision not to act).	
19	Omit section 57C (information to be given to subject of allegation).	
20	Omit section 57D (power to suspend standards committee’s functions).	
21	Omit section 58 (allegations referred to Standards Board).	20
22	Omit section 59 (functions of ethical standards officers).	
23	Omit section 60 (conduct of investigations).	
24	Omit section 61 (procedure in respect of investigations).	
25	Omit section 62 (investigations: further provisions).	
26	Omit section 63 (restrictions on disclosure of information).	25
27	Omit section 64 (reports etc).	
28	Omit section 65 (interim reports).	
29	Omit section 65A (disclosure by monitoring officers of ethical standards officers’ reports).	
30	Omit section 66 (matters referred to monitoring officers).	30
31	Omit section 66A (references to First-tier Tribunal).	
32	Omit section 66B (periodic returns).	
33	Omit section 66C (information requests).	
34	Omit section 67 (consultation with ombudsmen).	
35	In section 68(2) (guidance by Public Services Ombudsman for Wales) –	35

- (a) in paragraph (a) –
    - (i) omit “in Wales (other than police authorities)”, and
    - (ii) for “such” substitute “those”, and
  - (b) in paragraph (b) omit “in Wales (other than police authorities)”.
- 36 (1) Section 69 (investigations by the Public Services Ombudsman for Wales) is amended as follows. 5
  - (2) In subsection (1) omit “in Wales” in both places.
  - (3) In subsection (5) omit “in Wales”.
- 37 (1) Section 70 (investigations: further provisions) is amended as follows.
  - (2) In subsection (2)(a), after “63” insert “as those sections had effect immediately before their repeal by the Localism Act 2011”. 10
  - (3) In subsection (5) omit “in Wales”.
- 38 In section 71(4) (reports etc) omit “in Wales”.
- 39 In section 72(6) (interim reports) omit “in Wales”.
- 40 In section 73 (matters referred to monitoring officers) omit subsection (6). 15
- 41 In section 77(7) (offence of failure to comply with regulations about adjudications in Wales or equivalent provisions of Tribunal Procedure Rules) omit the words from “, or with” to “First-tier Tribunal”.
- 42 (1) Section 78 (decisions of the First-tier Tribunal or interim case tribunals) is amended as follows. 20
  - (2) In the heading omit “the First-tier Tribunal or”.
  - (3) In subsection (1) –
    - (a) omit “the First-tier Tribunal or”, and
    - (b) in paragraph (a) omit “65(3) or”.
  - (4) In subsection (2) for “the tribunal concerned” substitute “the interim case tribunal”. 25
  - (5) In subsection (3) for “the tribunal concerned” substitute “the interim case tribunal”.
  - (6) Omit subsection (4).
  - (7) In subsection (6) omit “78A or”. 30
  - (8) In subsection (8A) –
    - (a) omit paragraph (a), and
    - (b) in paragraph (b) omit “where the relevant authority concerned is in Wales,”.
  - (9) In subsection (9) omit – 35
    - (a) “The First-tier Tribunal or (as the case may be)”, and
    - (b) “59 or”.
  - (10) Omit subsections (9A) to (9D).
- 43 Omit section 78A (decisions of First-tier Tribunal).

- 
- |    |  |    |
|----|--|----|
| 44 | Omit section 78B (section 78A: supplementary).   |    |
| 45 | In section 79(13) (decisions of case tribunals: Wales) in subsection (13) omit “in Wales”.                           |    |
| 46 | (1) Section 80 (recommendations by First-tier Tribunal or case tribunals) is amended as follows.                     | 5  |
|    | (2) In the heading omit “First-tier Tribunal or”.  |    |
|    | (3) In subsection (1) omit “the First-tier Tribunal or”.   |    |
|    | (4) In subsection (2) for “The tribunal concerned” substitute “A case tribunal”.                                     |    |
|    | (5) In subsection (3) for “relevant person” substitute “Public Services Ombudsman for Wales”.                        | 10 |
|    | (6) In subsection (5) for “relevant person” in both places substitute “Public Services Ombudsman for Wales”.         |    |
|    | (7) Omit subsection (6).   |    |
| 47 | (1) Section 81 (disclosure and registration of members’ interests) is amended as follows.                            | 15 |
|    | (2) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.   |    |
|    | (3) In subsection (7) –  |    |
|    | (a) omit paragraph (b), and  |    |
|    | (b) in paragraph (c) omit “it if is a relevant authority in Wales,”.   |    |
|    | (4) Omit subsection (8).   | 20 |
| 48 | (1) Section 82 (code of conduct for local government employees) is amended as follows.                               |    |
|    | (2) Omit subsection (1).   |    |
|    | (3) In subsection (2) omit “in Wales (other than police authorities)”.   |    |
|    | (4) In subsection (3) omit “(1) or”.   | 25 |
|    | (5) Omit subsections (4) and (5).  |    |
|    | (6) In subsection (6)(a) –   |    |
|    | (a) omit “in Wales”, and   |    |
|    | (b) for “such” substitute “those”.   |    |
|    | (7) In paragraph (9) omit –  | 30 |
|    | (a) paragraph (a), and   |    |
|    | (b) in paragraph (b) “in relation to Wales,”.  |    |
| 49 | In section 82A (monitoring officers: delegation of functions under Part 3), omit “57A, 60(2) or (3), 64(2) or (4),”. |    |
| 50 | (1) Section 83 (interpretation of Part 3) is amended as follows.   | 35 |
|    | (2) In subsection (1) –  |    |
|    | (a) omit the definitions of –  |    |
|    | (i) “the Audit Commission”,  |    |
|    | (ii) “ethical standards officer”, and  |    |

- (iii) “police authority”, and
  - (b) in the definition of “model code of conduct” omit “(1) and”.
- (3) Omit subsections (4), (12), (15) and (16).

51 In section 105(6) (orders and regulations) omit “, 49, 63(1)(j)”.

52 Omit Schedule 4 (Standards Board for England). 5

*Freedom of Information Act 2000 (c. 36)*

53 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit the entry for the Standards Board for England.

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

54 (1) Section 183 of the Local Government and Public Involvement in Health Act 2007 (conduct of local authority members: codes of conduct) is amended as follows. 10

(2) In subsection (1) omit the subsections (2A) and (2B) to be inserted into section 49 of the Local Government Act 2000.

(3) In subsection (2) omit the subsections (4A) and (4B) to be inserted into section 50 of the Local Government Act 2000. 15

(4) In subsection (3) omit the subsections (4A) and (4B) to be inserted into section 51 of the Local Government Act 2000.

(5) In subsection (7)(b) omit “in Wales other than a police authority”.

PART 2 20

PROVISION SUPPLEMENTARY TO PART 1

*Codes of conduct under the Local Government Act 2000*

55 (1) A code of conduct adopted by a relevant authority (within the meaning of this Chapter of this Part of this Act) ceases to have effect.

(2) An undertaking to comply with a code of conduct given by a person under section 52 of the Local Government Act 2000 or as part of a declaration of acceptance of office in a form prescribed by order under section 83 of the Local Government Act 1972 ceases to have effect when the code ceases to have effect. 25

(3) In this paragraph “code of conduct” means a code of conduct under section 51 of the Local Government Act 2000 or a model code of conduct issued by order under section 50(1) of that Act. 30

*Power to make provision in connection with the abolition of Standards Board for England*

56 (1) The Secretary of State may by order make provision in connection with the abolition of the Standards Board for England (“the Board”). 35

(2) An order under this paragraph may make provision that has effect on or before the abolition date.

- (3) An order under this paragraph may, in particular, make provision about the property, rights and liabilities of the Board (including rights and liabilities relating to contracts of employment).
- (4) This includes –
- (a) provision for the transfer of property, rights and liabilities (including to the Secretary of State), and 5
  - (b) provision for the extinguishment of rights and liabilities.
- (5) An order under this paragraph that makes provision for the transfer of property, rights and liabilities may –
- (a) make provision for certificates issued by the Secretary of State to be conclusive evidence that property has been transferred; 10
  - (b) make provision about the transfer of property, rights and liabilities that could not otherwise be transferred;
  - (c) 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 Board in respect of anything transferred; 15
  - (d) make provision for references to the Board in an instrument or document in respect of anything transferred to be treated as references to the transferee.
- (6) An order under this paragraph may – 20
- (a) make provision about the continuing effect of things done by or in relation to the Board before such date as the order may specify;
  - (b) 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 Board on such a date; 25
  - (c) make provision for references to the Board in an instrument or document to be treated on and after such a date as references to such person as the order may specify;
  - (d) make provision for the payment of compensation by the Secretary of State to persons affected by the provisions it makes about the property, rights and liabilities of the Board. 30

*Power to give directions in connection with the abolition of Standards Board for England*

- 57 (1) The Secretary of State may direct the Board to take such steps as the Secretary of State may specify in connection with the abolition of the Board.
- (2) The Secretary of State may, in particular give directions to the Board about information held by the Board, including – 35
- (a) directions requiring information to be transferred to another person (including to the Secretary of State);
  - (b) directions requiring information to be destroyed or made inaccessible. 40
- (3) The Secretary of State may make available to the Board such facilities as the Board may reasonably require for exercising its functions by virtue of this Part of this Schedule.
- (4) The Secretary of State may exercise a function of the Board for the purposes of taking steps in connection with its abolition (including functions by virtue of an order under paragraph 56). 45

- (5) Sub-paragraph (4) does not prevent the exercise of the function by the Board.
- (6) In the case of a duty of the Board, sub-paragraph (4) permits the Secretary of State to comply with that duty on behalf of the Board but does not oblige the Secretary of State to do so.

*Final statement of accounts* 5

- 58 (1) As soon as is reasonably practicable after the abolition date, the Secretary of State must prepare –
- (a) a statement of the accounts of the Board for the last financial year to end before the abolition date, and
  - (b) a statement of the accounts of the Board for the period (if any) beginning immediately before the end of that financial year and ending immediately before the abolition date. 10
- (2) The Secretary of State must, as soon as is reasonably practicable after preparing a statement under this paragraph, send a copy of it to the Comptroller and Auditor General. 15
- (3) The Comptroller and Auditor General must –
- (a) examine, certify and report on the statement, and
  - (b) lay a copy of the statement and the report before each House of Parliament.
- (4) Sub-paragraph (1)(a) does not apply if the Board has already sent a copy of its statement of accounts for the year to the Comptroller and Auditor General. 20
- (5) In such a case the repeal of paragraph 13(4B) of Schedule 4 to the Local Government Act 2000 does not remove the obligation of the Comptroller and Auditor General to take the steps specified in that provision in relation to the statement of accounts if the Comptroller has not already done so. 25

*Disclosure of information*

- 59 (1) Section 63 of the Local Government Act 2000 applies in relation to information obtained by a person who is exercising a function of the Board by virtue of paragraph 57(4) as it applies to information obtained by an ethical standards officer. 30
- (2) That section has effect (in relation to information to which it applies apart from sub-paragraph (1) as well as to information to which it applies by virtue of that sub-paragraph) as if it permitted the disclosure of information for the purposes of the abolition of the Board. 35
- (3) The repeal by Part 1 of that section, or of any provision by virtue of which it is applied to information obtained other than by ethical standards officers, does not affect its continuing effect in relation to information to which it is applied before its repeal (including by virtue of this paragraph).

*Interpretation* 40

- 60 In this Part of this Schedule –  
“the abolition date” means the date on which paragraphs 16 and 52 (repeal of section 57 of and Schedule 4 to the Local Government Act 2000) come fully into force;



“the Board” has the meaning given by paragraph 56(1);  
“financial year” means the period of 12 months ending with 31st March in any year.

## SCHEDULE 5

Section 60

NEW CHAPTER 4ZA OF PART 1 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 5

This is the Chapter referred to in section 60(1) –

### “CHAPTER 4ZA

#### REFERENDUMS RELATING TO COUNCIL TAX INCREASES

#### *Interpretation of Chapter*

**52ZA Interpretation of Chapter** 10

- (1) In this Chapter –
  - (a) a reference to a billing authority is to a billing authority in England,
  - (b) a reference to a major precepting authority is to a major precepting authority in England, and 15
  - (c) a reference to a local precepting authority is to a local precepting authority in England.
- (2) In this Chapter –
  - (a) a reference to an authority is to an authority of a kind mentioned in subsection (1) above; 20
  - (b) a reference to a precepting authority is to an authority of a kind mentioned in subsection (1)(b) or (c) above.
- (3) Section 52ZX below defines references in this Chapter to an authority’s relevant basic amount of council tax.

*Determination of whether increase excessive* 25

**52ZB Duty to determine whether council tax excessive**

- (1) A billing authority must determine whether its relevant basic amount of council tax for a financial year is excessive.
- (2) Sections 52ZF to 52ZI below (duty to hold referendum etc in case of excessive council tax increase by billing authority) apply where the amount mentioned in subsection (1) above is excessive. 30
- (3) A major precepting authority must determine whether its relevant basic amount of council tax for a financial year is excessive.
- (4) Sections 52ZJ and 52ZK and 52ZN to 52ZP below (duty to hold referendum etc in case of excessive council tax increase by major precepting authority) apply where an amount mentioned in subsection (3) above is excessive. 35

- (5) A local precepting authority must determine whether its relevant basic amount of council tax for a financial year is excessive.
- (6) Sections 52ZL to 52ZP below (duty to hold referendum etc in case of excessive council tax increase by local precepting authority) apply where the amount mentioned in subsection (5) above is excessive. 5
- (7) A determination under this section for a financial year must be made as soon as is reasonably practicable after principles under section 52ZC below for that year are approved by a resolution of the House of Commons under section 52ZD below.

**52ZC Determination of whether increase is excessive** 10

- (1) The question whether an authority’s relevant basic amount of council tax for a financial year (“the year under consideration”) is excessive must be decided in accordance with a set of principles determined by the Secretary of State for the year.
- (2) A set of principles— 15
- (a) may contain one principle or two or more principles;
  - (b) must constitute or include a comparison falling within subsection (3) below.
- (3) A comparison falls within this subsection if it is between— 20
- (a) the authority’s relevant basic amount of council tax for the year under consideration, and
  - (b) the authority’s relevant basic amount of council tax for the financial year immediately preceding the year under consideration.
- (4) If for the purposes of this section the Secretary of State determines categories of authority for the year under consideration— 25
- (a) any principles determined for the year must be such that the same set is determined for all authorities (if more than one) falling within the same category;
  - (b) as regards an authority which does not fall within any of the categories, the authority’s relevant basic amount of council tax for the year is not capable of being excessive for the purposes of this Chapter. 30
- (5) If the Secretary of State does not determine such categories, any principles determined for the year under consideration must be such that the same set is determined for all authorities. 35
- (6) A principle that applies to the Greater London Authority and that constitutes or includes a comparison falling within subsection (3) above may only provide for— 40
- (a) a comparison between unadjusted relevant basic amounts of council tax,
  - (b) a comparison between adjusted relevant basic amounts of council tax, or
  - (c) a comparison within paragraph (a) and a comparison within paragraph (b). 45

- (7) In determining categories of authorities for the year under consideration the Secretary of State must take into account any information that the Secretary of State thinks is relevant.

#### **52ZD Approval of principles**

- (1) The principles for a financial year must be set out in a report which must be laid before the House of Commons. 5
- (2) If a report for a financial year is not laid before the specified date or, if so laid, is not approved by resolution of the House of Commons on or before the specified date – 10
- (a) no principles have effect for that year, and
- (b) accordingly, no authority’s relevant basic amount of council tax for the year is capable of being excessive for the purposes of this Chapter.
- (3) If the Secretary of State does not propose to determine a set of principles for a financial year, the Secretary of State must lay a report before the House of Commons before the specified date giving the Secretary of State’s reasons for not doing so. 15
- (4) In this section “the specified date”, in relation to a financial year, means the date on which the local government finance report for the year under section 78A of the 1988 Act is approved by resolution of the House of Commons. 20

#### **52ZE Alternative notional amounts**

- (1) The Secretary of State may make a report specifying an alternative notional amount in relation to any year under consideration and any authority. 25
- (2) An alternative notional amount is an amount which the Secretary of State thinks should be used as the basis of any comparison in applying section 52ZC above in place of the authority’s relevant basic amount of council tax for the preceding year.
- (3) A report under this section – 30
- (a) may relate to two or more authorities;
- (b) may be amended by a subsequent report under this section;
- (c) must contain such explanation as the Secretary of State thinks desirable of the need for the calculation of the alternative notional amount and the method for that calculation; 35
- (d) must be laid before the House of Commons.
- (4) Subsection (5) below applies if a report under this section for a financial year is approved by resolution of the House of Commons on or before the date on which the report under section 52ZD above for that year is approved by resolution of the House of Commons. 40
- (5) Section 52ZC above has effect, as regards the year under consideration and any authority to which the report relates, as if the reference in subsection (3) of that section to the authority’s relevant basic amount of council tax for the financial year immediately preceding the year under consideration were a reference to the alternative notional amount for that year. 45

- (6) In this section “year under consideration” has the same meaning as in section 52ZC above.

*Excessive increase in council tax by billing authority*

**52ZF Billing authority’s duty to make substitute calculations**

- (1) The billing authority must make substitute calculations for the financial year in compliance with this section; but those calculations do not have effect for the purposes of Chapter 3 above except in accordance with sections 52ZH and 52ZI below. 5
- (2) Substitute calculations for a financial year comply with this section if – 10
- (a) they are made in accordance with sections 31A, 31B and 34 to 36 above, ignoring section 31A(11) above for this purpose,
  - (b) the relevant basic amount of council tax produced by applying section 52ZX below to the calculations is not excessive by reference to the principles determined by the Secretary of State under section 52ZC above for the year, and 15
  - (c) they are made in accordance with this section.
- (3) In making the substitute calculations, the authority must –
- (a) use the amount determined in the previous calculation for the year under section 31A(3) above so far as relating to amounts which the authority estimates it will accrue in the year in respect of redistributed non-domestic rates, revenue support grant, additional grant, special grant or (in the case of the Common Council only) police grant, and 20
  - (b) use the amount determined in the previous calculation for the year for item T in section 31B(1) above and (where applicable) item TP in section 34(3) above. 25
- (4) For the purposes of subsection (2) above the authority may treat any amount determined in the previous calculation under section 31A(3) above as increased by the amount of any sum which – 30
- (a) it estimates it will accrue in the year in respect of additional grant, and
  - (b) was not taken into account by it in making the previous calculation.

**52ZG Arrangements for referendum**

- (1) The billing authority must make arrangements to hold a referendum in relation to the authority’s relevant basic amount of council tax for the financial year in accordance with this section. 35
- (2) Subject as follows, the referendum is to be held on a date decided by the billing authority. 40
- (3) That date must be not later than –
- (a) the first Thursday in May in the financial year, or
  - (b) such other date in that year as the Secretary of State may specify by order.
- (4) An order under subsection (3) above must be made not later than – 45

- 
- (a) 1 February in the financial year preceding the year mentioned in paragraph (b) of that subsection, or
- (b) in the case of an order affecting more than one financial year, 1 February in the financial year preceding the first of those years. 5
- (5) The persons entitled to vote in the referendum are those who, on the day of the referendum –
- (a) would be entitled to vote as electors at an election for members for an electoral area of the billing authority, and
- (b) are registered in the register of local government electors at an address within the billing authority’s area. 10
- (6) In this section –
- “electoral area” means –
- (a) where the billing authority is a district council, a London borough council or the Common Council of the City of London, a ward; 15
- (b) where the billing authority is a county council, an electoral division;
- (c) where the billing authority is the Council of the Isles of Scilly, a parish; 20
- “register of local government electors” means the register of local government electors kept in accordance with the provisions of the Representation of the People Acts.
- (7) This section is subject to regulations under section 52ZQ below.
- 52ZH Effect of referendum** 25
- (1) The billing authority must inform the Secretary of State of the result of the referendum.
- (2) Subsection (3) below applies if the result is that the billing authority’s relevant basic amount of council tax for the financial year is approved by a majority of persons voting in the referendum. 30
- (3) The authority’s calculations from which that amount was derived continue to have effect for that year for the purposes of this Act.
- (4) Subsection (5) below applies if the result is that the billing authority’s relevant basic amount of council tax for the financial year is not approved by a majority of persons voting in the referendum. 35
- (5) The substitute calculations made in relation to the year under section 52ZF above have effect in relation to the authority and the financial year.
- 52ZI Failure to hold referendum**
- (1) If the billing authority fails to hold a referendum in accordance with this Chapter, the substitute calculations made in relation to the year under section 52ZF above have effect in relation to the authority and the financial year. 40
- (2) If the authority has not made those substitute calculations, during the period of restriction the authority has no power to transfer any 45

amount from its collection fund to its general fund; and sections 97 and 98 of the 1988 Act have effect accordingly.

- (3) In subsection (2) above “the period of restriction” means the period –
- (a) beginning with the latest date on which the referendum could have been held, and
  - (b) ending with the date (if any) when the billing authority makes the substitute calculations.

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*Excessive increase in council tax by precepting authority*

**52ZJ Major precepting authority’s duty to make substitute calculations**

- (1) The major precepting authority must make substitute calculations for the financial year in compliance with this section.

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- (2) Substitute calculations made for a financial year by a major precepting authority other than the Greater London Authority comply with this section if –

(a) they are made in accordance with sections 42A, 42B and 45 to 48 above,

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(b) the relevant basic amount of council tax for the year produced by the calculations is not excessive by reference to the principles determined by the Secretary of State under section 52ZC above for the year, and

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(c) they are made in accordance with this section.

- (3) Substitute calculations made for a financial year by the Greater London Authority comply with this section if –

(a) they are made by applying the relevant London provisions and sections 47 and 48 above to the Authority’s substitute consolidated council tax requirement for the year, and

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(b) they are made in accordance with this section.

- (4) In making the substitute calculations, a major precepting authority other than the Greater London Authority must –

(a) use the amount determined in the previous calculation under section 42A(3) above so far as relating to amounts which the authority estimates it will accrue in the year in respect of redistributed non-domestic rates, revenue support grant, additional grant, special grant or police grant, and

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(b) use the amount determined in the previous calculation for item T in section 42B(1) above or (where applicable) item TP in section 45(3) above.

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- (5) For the purposes of subsection (2) above the authority may treat any amount determined in the previous calculation under section 42A(3) above as increased by the amount of any sum which –

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(a) it estimates it will accrue in the year in respect of additional grant, and

(b) was not taken into account by it in making the previous calculation.

- (6) In making the substitute calculations, the Greater London Authority must use any amount determined in the previous calculations for

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item T in section 88(2) of the Greater London Authority Act 1999 or for item TP2 in section 89(4) of that Act.

- (7) In this Chapter –
- “the relevant London provisions” means sections 88 and (where applicable) 89 of the Greater London Authority Act 1999; 5
  - “the Authority’s substitute consolidated council tax requirement”, in relation to a financial year, means the Authority’s substitute consolidated council tax requirement –
    - (a) agreed under Schedule 6 to the Greater London Authority Act 1999, or 10
    - (b) set out in its substitute consolidated budget as agreed under that Schedule,
 as the case may be.

**52ZK Major precepting authority’s duty to notify appropriate billing authorities** 15

- (1) The major precepting authority must notify each appropriate billing authority –
- (a) that its relevant basic amount of council tax for a financial year is excessive, and 20
  - (b) that the billing authority is required to hold a referendum in accordance with this Chapter.
- (2) A notification under this section must include a precept in accordance with the following provisions; but that precept does not have effect for the purposes of Chapters 3 and 4 above except in accordance with sections 52ZO and 52ZP below. 25
- (3) A precept issued to a billing authority under this section by a major precepting authority other than the Greater London Authority must state –
- (a) the amount which, in relation to the year and each category of dwellings in the billing authority’s area, has been calculated by the precepting authority in accordance with sections 42A, 42B and 45 to 47 above as applied by section 52ZJ above, and 30
  - (b) the amount which has been calculated by the precepting authority in accordance with section 48 above as applied by section 52ZJ above as the amount payable by the billing authority for the year. 35
- (4) Dwellings fall within different categories for the purposes of subsection (3) above according as different calculations have been made in relation to them as mentioned in paragraph (a) of that subsection. 40
- (5) A precept issued to a billing authority under this section by the Greater London Authority must state –
- (a) the amount which, in relation to the year and each category of dwellings in the billing authority’s area, has been calculated by applying, in accordance with section 52ZJ above, the relevant London provisions and section 47 above 45

- to the Authority's substitute consolidated council tax requirement, and
- (b) the amount which has been calculated by the Authority in accordance with section 48 above as applied by section 52ZJ above as the amount payable by the billing authority for the year. 5
- (6) Dwellings fall within different categories for the purposes of subsection (5) above according as different calculations have been made in relation to them as mentioned in paragraph (a) of that subsection. 10
- (7) A major precepting authority must assume for the purposes of subsections (3) and (5) above that each of the valuation bands is shown in the billing authority's valuation list as applicable to one or more dwellings situated in its area or (as the case may be) each part of its area as respects which different calculations have been made. 15
- (8) The Secretary of State must by regulations prescribe a date by which a notification under this section must be made.
- (9) This section does not require the Greater London Authority to notify a billing authority to which this subsection applies unless the Authority's unadjusted relevant basic amount of council tax for the year is excessive. 20
- (10) Subsection (9) above applies to a billing authority if the special item within the meaning of section 89(2) of the Greater London Authority Act 1999 does not apply to any part of the authority's area.
- 52ZL Local precepting authority's duty to make substitute calculations** 25
- (1) The local precepting authority must make substitute calculations for the financial year in compliance with this section.
- (2) Substitute calculations for a financial year comply with this section if—
- (a) they are made in accordance with section 49A above, and 30
- (b) the relevant basic amount of council tax produced by applying section 52ZX below to the calculations is not excessive by reference to the principles determined by the Secretary of State under section 52ZC above for the year.
- 52ZM Local precepting authority's duty to notify appropriate billing authority** 35
- (1) The local precepting authority must notify its appropriate billing authority—
- (a) that its relevant basic amount of council tax for a financial year is excessive, and 40
- (b) that the billing authority is required to hold a referendum in accordance with this Chapter.
- (2) A notification under this section must include a precept in accordance with subsection (3) below; but that precept does not have effect for the purposes of Chapters 3 and 4 above except in accordance with sections 52ZO and 52ZP below. 45



- (3) The precept must state, as the amount payable by the billing authority for the year, the amount which has been calculated by the local precepting authority under section 49A above as applied by section 52ZL above.
- (4) The Secretary of State must by regulations prescribe a date by which the notification must be made. 5

### 52ZN Arrangements for referendum

- (1) A billing authority that is notified under section 52ZK or 52ZM above must make arrangements to hold a referendum in relation to the precepting authority's relevant basic amount of council tax for the financial year in accordance with this section. 10
- (2) Where the referendum is one of two or more referendums required to be held in respect of the same calculation, it is to be held on—
- (a) the first Thursday in May in the financial year, or
  - (b) such other date as the Secretary of State may specify by order. 15
- (3) Otherwise the referendum is to be held on a date decided by the billing authority; but this is subject to subsection (4) below.
- (4) That date must be not later than—
- (a) the first Thursday in May in the financial year, or
  - (b) such other date in that year as the Secretary of State may specify by order. 20
- (5) An order under subsection (2) or (4) below must be made not later than—
- (a) 1 February in the financial year preceding the year mentioned in paragraph (b) of that subsection, or 25
  - (b) in the case of an order affecting more than one financial year, 1 February in the financial year preceding the first of those years.
- (6) The persons entitled to vote in the referendum are those who, on the day of the referendum—
- (a) would be entitled to vote as electors at an election for members for an electoral area of the billing authority that falls wholly or partly within the precepting authority's area, and
  - (b) are registered in the register of local government electors at an address that is within both— 30
    - (i) the precepting authority's area, and
    - (ii) the billing authority's area. 35
- (7) Subject to subsection (8) below, the billing authority may recover from the precepting authority the expenses that are incurred by the billing authority in connection with the referendum. 40
- (8) The Secretary of State may by regulations make provision for cases in which—
- (a) subsection (7) above does not apply, or
  - (b) that subsection applies with modifications. 45
- (9) In this section—

“electoral area” means –

(a) in relation to a district council, a London borough council or the Common Council of the City of London, a ward;

(b) in relation to a county council, an electoral division; 5

(c) in relation to the Council of the Isles of Scilly, a parish;

“register of local government electors” means the register of local government electors kept in accordance with the provisions of the Representation of the People Acts.

(10) This section is subject to regulations under section 52ZQ below. 10

### 52ZO Effect of referendum

(1) The precepting authority must inform the Secretary of State of the result of the referendum or (as the case may be) each of them.

(2) Subsection (3) below applies if –

(a) in a case where one referendum is held in respect of the precepting authority’s relevant basic amount of council tax for the financial year, that amount is approved by a majority of persons voting in the referendum, or 15

(b) in a case where two or more referendums are held in respect of that amount, that amount is approved by a majority of persons voting in all of those referendums taken together. 20

(3) The precepting authority’s calculations that include that amount or (as the case may be) from which that amount was derived continue to have effect for the year for the purposes of this Act.

(4) Subsections (5) and (6) below apply if – 25

(a) in a case where one referendum is held in respect of the precepting authority’s relevant basic amount of council tax for a financial year, that amount is not approved by a majority of persons voting in the referendum, or

(b) in a case where two or more referendums are held in respect of that amount, that amount is not approved by a majority of persons voting in all of those referendums taken together. 30

(5) Any precept issued to a billing authority under section 52ZK or 52ZM above as part of a notification that triggered the referendum has effect as a precept issued to that billing authority for the year for the purposes of Chapter 3 above. 35

(6) Where the precept was issued to a billing authority by a local precepting authority under section 52ZM above, section 36A above has effect in relation to the billing authority as if it required the authority to make calculations in substitution on the basis of the precept (rather than permitting it to do so). 40

(7) In the case of a major precepting authority other than the Greater London Authority, section 30 above has effect by virtue of subsection (5) above in relation to that precept as if –

(a) references to amounts calculated under Chapter 4 above were to amounts calculated as mentioned in section 52ZJ(2) above, and 45

- (b) the reference to the amount stated in accordance with section 40 above were to the amount stated in accordance with section 52ZK(3)(b) above.
- (8) In the case of the Greater London Authority, section 30 above has effect by virtue of subsection (5) above in relation to that precept as if – 5
- (a) references that are to be read as amounts calculated under Chapter 1 of Part 3 of the Greater London Authority Act 1999 were to amounts calculated as mentioned in section 52ZJ(3) above, and 10
- (b) the reference to the amount stated in accordance with section 40 above were to the amount stated in accordance with section 52ZK(5)(b) above.
- (9) If the precepting authority has already issued a precept for the financial year (originally or by way of substitute) to the billing authority – 15
- (a) subsections (3) and (4) of section 42 above apply to the precept within subsection (5) above as they apply to a precept issued in substitution under that section, but
- (b) the references in those subsections to the amount of the new precept are to be read as references to the amount stated in the precept within subsection (5) above in accordance with section 52ZK(3)(b) or (5)(b) above. 20

#### **52ZP Failure to hold referendum**

- (1) This section applies if a billing authority that is required to be notified by a precepting authority under section 52ZK or 52ZM above fails to hold a referendum in accordance with this Chapter. 25
- (2) Subsections (3) to (6) below apply if the precepting authority has failed to notify the billing authority in accordance with section 52ZK or 52ZM above. 30
- (3) The precepting authority must issue a precept for the year to the billing authority in accordance with that section; and such a precept has effect for the purposes of Chapter 3 above.
- (4) During the period of restriction no billing authority to which the precepting authority has power to issue a precept has power to pay anything in respect of a precept issued by the precepting authority for the year. 35
- (5) In subsection (4) above “the period of restriction” means the period –
- (a) beginning with the date on which the referendum would have been required to be held or (as the case may be) the latest date on which it could have been held if the notification had been made, and 40
- (b) ending with the date (if any) when the precepting authority complies with subsection (3) above.
- (6) Where a precept under subsection (3) above is issued to a billing authority by a local precepting authority, section 36A above has effect in relation to the billing authority as if it required the authority 45

- to make calculations in substitution on the basis of the precept (rather than permitting it to do so).
- (7) If the precepting authority has notified the billing authority in accordance with section 52ZK or 52ZM above, the precept issued to the billing authority under section 52ZK or 52ZM above as part of the notification has effect as a precept issued to that billing authority for the year for the purposes of Chapter 3 above. 5
- (8) Where the precept was issued to a billing authority by a local precepting authority under section 52ZM above, section 36A above has effect in relation to the billing authority as if it required the authority to make calculations in substitution on the basis of the precept (rather than permitting it to do so). 10
- (9) Subsections (7) to (9) of section 52ZO above apply to a precept within subsection (3) or (7) above as they apply to a precept within subsection (5) of that section. 15

*Regulations about referendums*

**52ZQ Regulations about referendums**

- (1) The Secretary of State may by regulations make provision as to the conduct of referendums under this Chapter.
- (2) The Secretary of State may by regulations make provision for – 20
- (a) the combination of polls at two or more referendums under this Chapter;
  - (b) the combination of polls at referendums under this Chapter with polls at any elections or any referendums held otherwise than under this Chapter. 25
- (3) Regulations under this section may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums.
- (4) The provision which may be made under this section includes, in particular, provision – 30
- (a) as to the question to be asked in a referendum;
  - (b) as to the publicity to be given in connection with a referendum (including the publicity to be given with respect to the consequences of the referendum and its result);
  - (c) about the limitation of expenditure in connection with a referendum; 35
  - (d) as to the conduct of the authority, members of the authority and officers of the authority in relation to a referendum (including provision modifying the effect of section 2 (prohibition of political publicity) of the Local Government Act 1986); 40
  - (e) as to when, where and how voting in a referendum is to take place;
  - (f) as to how the votes cast in a referendum are to be counted;
  - (g) for disregarding alterations in a register of electors; 45
  - (h) for the questioning of the result of a referendum by a court or tribunal.

- (5) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that offence.
- (6) Before making any regulations under this section, the Secretary of State must consult the Electoral Commission. 5
- (7) In this section “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

*Directions that referendum provisions are not to apply* 10

**52ZR Direction that referendum provisions are not to apply**

- (1) The Secretary of State may give a direction under this section to an authority other than the Greater London Authority if it appears to the Secretary of State that, unless the authority’s council tax calculations are such as to produce a relevant basic amount of council tax that is excessive by reference to the principles determined by the Secretary of State for the year – 15
- (a) the authority will be unable to discharge its functions in an effective manner, or
- (b) the authority will be unable to meet its financial obligations. 20
- (2) The Secretary of State may give a direction under this section to the Greater London Authority if it appears to the Secretary of State that, unless the Authority’s council tax calculations are such as to produce a relevant basic amount of council tax that is excessive by reference to the principles determined by the Secretary of State for the year – 25
- (a) one or more of the Authority’s constituent bodies will be unable to discharge its functions in an effective manner, or
- (b) one or more of those bodies will be unable to meet its financial obligations.
- (3) The effect of a direction under this section is that the referendum provisions do not apply for the financial year to, and no further step is to be taken for the financial year under the referendum provisions by – 30
- (a) the authority to whom it is made, and
- (b) where that authority is a precepting authority, a billing authority as a result of any notification under section 52ZK or 52ZM above by the precepting authority. 35
- (4) A direction under this section may be given to an authority other than the Greater London Authority – 40
- (a) whether or not the authority has carried out its council tax calculations for the financial year, and
- (b) in the case of a billing authority, whether or not the authority has set an amount of council tax for the financial year under section 30 above.
- (5) A direction under this section may be given to the Greater London Authority only if it has carried out its council tax calculations for the financial year. 45

- (6) But a direction under this section may not be given to an authority if –
- (a) a referendum has been held relating to the authority’s relevant basic amount of council tax for the financial year, and 5
  - (b) that amount has not been approved as mentioned in section 52ZH above (where the authority is a billing authority) or section 52ZO above (where the authority is a precepting authority).
- (7) The following sections make further provision about the effect of a direction under this section – 10
- (a) for a billing authority: section 52ZS below;
  - (b) for a major precepting authority other than the Greater London Authority: section 52ZT below;
  - (c) for the Greater London Authority: section 52ZU below; 15
  - (d) for a local precepting authority: section 52ZV below.
- (8) In this Part –
- “constituent body” means –
- (a) the Mayor of London,
  - (b) the London Assembly, or 20
  - (c) a functional body within the meaning of section 424 of the Greater London Authority Act 1999;
- “council tax calculations” means –
- (a) in relation to a billing authority, calculations under sections 31A, 31B and 34 to 36 above, 25
  - (b) in relation to a major precepting authority other than the Greater London Authority, calculations under sections 42A, 42B and 45 to 48 above,
  - (c) in relation to the Greater London Authority, calculations under sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, and 30
  - (d) in the case of a local precepting authority, calculations under section 49A above;
- “the referendum provisions” means – 35
- (a) where the direction is given to a billing authority, sections 52ZB and 52ZF to 52ZI above,
  - (b) where the direction is given to a major precepting authority, sections 52ZB, 52ZJ, 52ZK and 52ZN to 52ZP above, and 40
  - (c) where the direction is given to a local precepting authority, sections 52ZB and 52ZL to 52ZP above.

#### **52ZS Directions to billing authorities**

- (1) This section applies if the Secretary of State gives a direction under section 52ZR above to a billing authority. 45
- (2) The direction must state the amount that is to be the amount of the billing authority’s council tax requirement for the financial year.

- 
- (3) If the direction is given before the billing authority has carried out its council tax calculations for the financial year, that amount is to be treated for all purposes as the amount calculated by the billing authority under section 31A above.
- (4) If the direction is given after the billing authority has carried out its council tax calculations for the financial year (whether or not it has set an amount of council tax for the year) – 5
- (a) those calculations are of no effect, and
- (b) the authority must make substitute calculations for the year in accordance with section 36A above. 10
- (5) For the purposes of those and any subsequent substitute calculations and the application of Chapter 3 above to them –
- (a) the amount stated in the direction as the amount of the billing authority’s council tax requirement for the financial year is to be treated as the amount calculated by the billing authority under section 31A above, and 15
- (b) subsections (2)(a) and (4) of section 36A above are to be ignored.

#### **52ZT Directions to major precepting authorities**

- (1) This section applies if the Secretary of State gives a direction under section 52ZR above to a major precepting authority other than the Greater London Authority. 20
- (2) The direction must state the amount that is to be the amount of the major precepting authority’s council tax requirement for the financial year. 25
- (3) If the direction is given before the major precepting authority has carried out its council tax calculations for the financial year, that amount is to be treated for all purposes as the amount calculated by the major precepting authority under section 42A above.
- (4) If the direction is given after the major precepting authority has carried out its council tax calculations for the financial year (whether or not it has issued a precept for the year) – 30
- (a) those calculations are of no effect, and
- (b) the authority must make substitute calculations for the year in accordance with section 49 above. 35
- (5) For the purposes of those and any subsequent substitute calculations and the application of Chapters 3 and 4 above to them –
- (a) the amount stated in the direction as the amount of the major precepting authority’s council tax requirement for the financial year is to be treated as the amount calculated by the billing authority under section 42A above, and 40
- (b) subsection (2)(za) of section 49 above is to be ignored.

#### **52ZU Directions to the Greater London Authority**

- (1) This section applies if the Secretary of State gives a direction under section 52ZR above to the Greater London Authority. 45

- (2) The direction must specify the amount that is to be the component council tax requirement for the relevant constituent body for the year.
- (3) The Greater London Authority must make calculations in substitution in relation to the financial year under subsections (4) to (7) of section 85 of the Greater London Authority Act 1999 in relation to – 5
- (a) the relevant constituent body alone, or
  - (b) the relevant constituent body and one or more other constituent bodies. 10
- (4) Subsection (5) below applies if the result of the substitute calculations is such that –
- (a) there is an increase in the Greater London Authority’s consolidated council tax requirement for the year, or
  - (b) there is no such increase, but the results of the calculations in substitution made in accordance with sections 85, 86 and 88 to 90 of and Schedule 7 to the Greater London Authority Act 1999 and sections 47 and 48 above would be different from the last relevant calculations in relation to the year. 15
- (5) The Greater London Authority must make calculations in substitution in accordance with the provisions mentioned in subsection (4)(b) above. 20
- (6) In subsection (4)(b) above “the last relevant calculations” means the last calculations made by the Greater London Authority in relation to the financial year in accordance with – 25
- (a) sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, or
  - (b) sections 85, 86 and 88 to 90 of and Schedule 7 to that Act and sections 47 and 48 above.
- (7) None of the substitute calculations is to have any effect if – 30
- (a) the amount calculated under section 85(6) or (7) of the Greater London Authority Act 1999 for the relevant constituent body is not in compliance with the direction,
  - (b) there is an increase in the Greater London Authority’s consolidated council tax requirement for the financial year (as last calculated) which exceeds the increase required to be made to the component council tax requirement for the relevant constituent body (as last calculated for the year) to comply with the direction, or 35
  - (c) in making the calculations under section 88(2) or 89(3) of that Act, the Authority fails to comply with subsection (8) below. 40
- (8) In making substitute calculations under section 88(2) or 89(3) of the Greater London Authority Act 1999 the Greater London Authority must use any amount determined in the previous calculations for item T in section 88(2) of that Act or for item TP2 in section 89(4) of that Act. 45
- (9) Subsections (7)(c) and (8) above do not apply if the previous calculations have been quashed because of a failure to comply with



the appropriate Greater London provisions in making the calculations.

- (10) For the purposes of subsection (9) above “the appropriate Greater London provisions” means –
- (a) in the case of calculations required to be made in accordance with sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, those provisions, and 5
  - (b) in the case of calculations required to be made in accordance with sections 85, 86 and 88 to 90 of and Schedule 7 to that Act and sections 47 and 48 above, those provisions. 10
- (11) Any substitute calculations under this section are to be made in accordance with Schedule 7 to the Greater London Authority Act 1999.
- (12) In this Part –
- “component council tax requirement” has the meaning given by section 85(6) of the Greater London Authority Act 1999; 15
  - “consolidated council tax requirement” has the meaning given by section 85(8) of the Greater London Authority Act 1999;
  - “the relevant constituent body”, in relation to a direction under section 52ZR above, means the constituent body by reference to which the direction was given (or, if there is more than one such body, each of them). 20

#### **52ZV Directions to local precepting authorities**

- (1) This section applies if the Secretary of State gives a direction under section 52ZR above to a local precepting authority. 25
- (2) The direction must state the amount that is to be the amount of the local precepting authority’s council tax requirement for the financial year.
- (3) That amount is to be treated for all purposes as the amount calculated by the local precepting authority under section 49A above. 30
- (4) If the direction is given after the local precepting authority has issued a precept for the financial year, that amount is to be treated for all purposes as an amount calculated by the authority in substitution in relation to the year in accordance with that section (so that, in particular, section 42 above applies accordingly). 35

#### **52ZW Further provisions about directions**

- (1) An authority that is required to make substitute calculations for a financial year by virtue of any of sections 52ZS to 52ZU above –
- (a) must make the calculations, and 40
  - (b) in the case of a major precepting authority, must issue any precepts in substitution required in consequence under section 42 above,
- before the end of the period mentioned in subsection (3) below.
- (2) A local precepting authority to which section 52ZV(4) above applies must issue any precepts in substitution required in consequence 45

- under section 42 above before the end of the period mentioned in subsection (3) below.
- (3) That period is –
- (a) the period of 35 days beginning with the day on the authority receives the direction (where it is the Greater London Authority), or
  - (b) the period of 21 days beginning with the day on which the authority receives the direction (in any other case).
- (4) In the case of a billing authority, the authority has no power during the period of restriction to transfer any amount from its collection fund to its general fund; and sections 97 and 98 of the 1988 Act have effect accordingly.
- (5) In the case of a precepting authority, no authority to which it has power to issue a precept has power during the period of restriction to pay anything in respect of a precept issued by the precepting authority for the financial year.
- (6) For the purposes of subsections (4) and (5) above “the period of restriction” is the period –
- (a) beginning at the end of the period mentioned in subsection (3) above, and
  - (b) ending at the time (if any) when the authority complies with subsection (1) or (2) above (as the case may be).
- (7) The following provisions of this section apply to substitute calculations by the Greater London Authority other than those made pursuant to section 52ZU above.
- (8) Subject to variation or revocation, a direction under section 52ZR above has effect in relation to any substitute calculations made under any enactment by the Greater London Authority –
- (a) in accordance with sections 85, 86 and 88 to 90 of and Schedule 7 to the Greater London Authority Act 1999 and sections 47 and 48 above,
  - (b) in relation to the financial year to which the direction relates, and
  - (c) at any time after the direction is given.
- (9) Where a direction under section 52ZR above has effect in relation to any substitute calculations by virtue of subsection (8) above, none of the calculations have effect if the amount calculated under section 85(6) of the Greater London Authority Act 1999 for the relevant constituent body is not in compliance with the direction.

*Meaning of basic amount of council tax*

**52ZX Meaning of relevant basic amount of council tax**

- (1) Any reference in this Chapter to a billing authority’s relevant basic amount of council tax for a financial year is a reference to the amount that would be calculated by it in relation to the year under section 31B(1) above if section 31A above did not require or permit it to take into account –

- 
- |     |  |    |
|-----|--|----|
| (a) | the amount of any precepts –   |    |
|     | (i) issued to it for the year by local precepting authorities,   |    |
|     | (ii) anticipated by it in pursuance of regulations under section 41 above,   | 5  |
| (b) | the amount of any levies and special levies –  |    |
|     | (i) issued to it for the year, or  |    |
|     | (ii) anticipated by it in pursuance of regulations under section 74 or 75 of the 1988 Act, or  |    |
| (c) | the amount of any expenditure it estimates it will incur in the year that will be qualifying expenditure in taking steps to give effect to the result of any qualifying local referendum held in an area consisting of, or including, the whole of its area.   | 10 |
| (2) | In the case of a major precepting authority other than a county council or the Greater London Authority, any reference in this Chapter to the authority’s relevant basic amount of council tax for a financial year is a reference to the amount calculated by it in relation to the year under section 42B(1) above.  | 15 |
| (3) | In the case of a major precepting authority that is a county council, any reference in this Chapter to the authority’s relevant basic amount of council tax for a financial year is a reference to the amount that would be calculated by it in relation to the year under section 42B(1) above if section 42A above did not require or permit it to take into account – | 20 |
|     | (a) the amount of any levies –   |    |
|     | (i) issued to it for the year, or  |    |
|     | (ii) anticipated by it in pursuance of regulations under section 74 of the 1988 Act, or  |    |
|     | (b) the amount of any expenditure it estimates it will incur in the year that will be qualifying expenditure in taking steps to give effect to the result of any qualifying local referendum held in an area consisting of the whole of its area.  | 25 |
| (4) | In the case of a major precepting authority that is the Greater London Authority, any reference in this Chapter to the authority’s relevant basic amount of council tax for a financial year is a reference to –   | 30 |
|     | (a) the amount (referred to in this Chapter as the Greater London Authority’s unadjusted relevant basic amount of council tax for the year) that would be calculated by it under section 88(2) of the Greater London Authority Act 1999 if sections 85 and 86 of that Act did not require or permit it –   | 35 |
|     | (i) to take into account the amount of any levies issued to a constituent body for the year,   |    |
|     | (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body, or  | 40 |
|     | (iii) to take into account the amount of any expenditure it estimates a constituent body will incur in the year that will be qualifying expenditure in taking steps to give effect to the result of any qualifying local referendum  | 45 |
|     |  | 50 |

- held in an area consisting of the whole of Greater London, or
- (b) any amount (referred to in this Chapter as the Greater London Authority’s adjusted relevant basic amount of council tax for the year) that would be calculated by it under section 89(3) of the Greater London Authority Act 1999 if sections 85 and 86 of that Act did not require or permit it –
- (i) to take into account the amount of any levies issued to a constituent body for the year,
- (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body, or
- (iii) to take into account the amount of any expenditure it estimates a constituent body will incur in the year that will be qualifying expenditure in taking steps to give effect to the result of any qualifying local referendum held in an area consisting of the whole of Greater London.
- (5) Any reference in this Chapter to a local precepting authority’s relevant basic amount of council tax for a financial year is a reference to the amount found by applying the formula –

$$\frac{R}{T}$$

where –

- R is the amount calculated by the authority under section 49A(4) above as its council tax requirement for the year;
- T is the amount which is calculated by the billing authority to which the authority issues precepts (“the billing authority concerned”) as its council tax base for the year for the part of its area comprising the authority’s area and is notified by it to the authority within the prescribed period.
- (6) Where the aggregate calculated by the authority for the year under subsection (2) of section 49A above does not exceed that so calculated under subsection (3) of that section, the amount for item R in subsection (5) above is to be nil.
- (7) The Secretary of State must make regulations containing rules for making for any year the calculation required by item T in subsection (5) above; and the billing authority concerned must make the calculations for any year in accordance with the rules for the time being effective (as regards the year) under the regulations.
- (8) Regulations prescribing a period for the purposes of item T in subsection (5) above may provide that, in any case where a billing authority fails to notify its calculation to the precepting authority concerned within that period, that item must be determined in the

prescribed manner by such authority or authorities as may be prescribed.

- (9) In the application of this section any calculation for which another has been substituted is to be disregarded.
- (10) In this section – 5  
     “local referendum” has the meaning given by section 42(1) of the Localism Act 2011;  
     “qualifying expenditure” means expenditure in relation to which the prescribed conditions are met;  
     “qualifying local referendum” means a local referendum in relation to which the prescribed conditions are met. 10

### 52ZY Information for purposes of Chapter 4ZA

- (1) The Secretary of State may serve on an authority a notice requiring it to supply to the Secretary of State such information as is specified in the notice and required for the purposes of the performance of the Secretary of State’s functions under this Chapter. 15
- (2) The authority must supply the information required if it is in its possession or control, and must do so in such form and manner and at such time as the Secretary of State specifies in the notice.
- (3) If an authority fails to comply with subsection (2) above, the Secretary of State may exercise the Secretary of State’s functions on the basis of such assumptions and estimates as the Secretary of State thinks fit. 20
- (4) In exercising those functions, the Secretary of State may also take into account any other available information, whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.” 25

## SCHEDULE 6

Section 60

### COUNCIL TAX REFERENDUMS: FURTHER AMENDMENTS

- Local Government Finance Act 1992 (c. 14)* 30
- 1 The Local Government Finance Act 1992 is amended as follows.
- 2 (1) Section 31 (substituted amounts) is amended as follows.
- (2) In subsection (1) for the “or” at the end of paragraph (a) substitute – 35  
     “(aa) substitute calculations it has made under section 52ZF below have effect by virtue of section 52ZH or 52ZI below; or”.
- (3) After subsection (4) insert –
- “(4A) Subject to any provision made by regulations under subsection (6) below, where an authority sets amounts in substitution under subsection (1)(a) above in the circumstances described in section 52ZO(6) or 52ZP(6) or (8) below, it may recover from the local 40

- precepting authority in question administrative expenses incurred by it in, or in consequence of, so doing.”
- (4) In subsection (5) at the beginning insert “Subject to any provision made by regulations under subsection (6) below,”.
- (5) After subsection (5) insert – 5
- “(6) The Secretary of State may by regulations make provision for cases in which –
- (a) subsection (4A) or (5) above does not apply, or
- (b) that subsection applies with modifications.”
- 3 In section 42(1) (substituted precepts) before “52J” insert “52ZU,”. 10
- 4 In section 52A (interpretation of Chapter 4A) in each of paragraphs (a) and (b) after “authority” insert “in Wales”.
- 5 (1) Section 52B (power to designate authorities) is amended as follows.
- (2) In subsection (1) – 15
- (a) for “Secretary of State’s” substitute “Welsh Ministers”,
- (b) for “he” substitute “they”, and
- (c) for “his” substitute “their”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (5) – 20
- (a) for “Secretary of State determines” substitute “Welsh Ministers determine”, and
- (b) in paragraph (b) for “Secretary of State” substitute “Welsh Ministers” and for “his” substitute “their”.
- (5) In subsection (6) for “he does” substitute “they do”.
- (6) In subsection (7) – 25
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) for “he thinks” substitute “they think”.
- (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- 6 (1) Section 52C (alternative notional amounts) is amended as follows.
- (2) In subsection (1) – 30
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) for “his” substitute “their”.
- (3) In subsection (3) –
- (a) in paragraph (c) – 35
- (i) for “Secretary of State thinks” substitute “Welsh Ministers think”, and
- (ii) for “him” substitute “them”, and
- (b) in paragraph (d) for “House of Commons” substitute “National Assembly for Wales”.
- (4) In subsection (4) for “House of Commons” substitute “National Assembly for Wales”. 40

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- 7 (1) Section 52D (designation or nomination) is amended as follows.
- (2) In subsection (1) for “Secretary of State’s” substitute “Welsh Ministers”.
- (3) In subsection (2) for “he” substitute “they”.
- (4) In subsection (3) for “Secretary of State” substitute “Welsh Ministers”.
- 8 (1) Section 52E (designation) is amended as follows. 5
- (2) In subsection (1) for “Secretary of State designates” substitute “Welsh Ministers designate”.
- (3) In subsection (2) –
- (a) in the opening words for “He” substitute “They”,
- (b) in paragraph (c) for “he determines” substitute “they determine”, 10
- (c) in each of paragraphs (d) and (e) for “he proposes” substitute “they propose”, and
- (d) in paragraph (f) for “he expects” substitute “they expect”.
- (4) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- 9 (1) Section 52F (challenge of maximum amount) is amended as follows. 15
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) –
- (a) in paragraph (a) for “Secretary of State” substitute “Welsh Ministers”, and 20
- (b) in paragraph (b) for “he thinks” substitute “they think”.
- (5) In subsection (4) –
- (a) for “he proceeds” substitute “they proceed”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (5) – 25
- (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers”, and
- (b) in paragraph (c) for “Secretary of State” substitute “Welsh Ministers”.
- (7) Omit subsection (6).
- (8) In subsection (7)(a) for “House of Commons” substitute “National Assembly for Wales”. 30
- (9) In subsection (8) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
- (b) in paragraph (b) for “he alters” substitute “they alter”.
- (10) In subsection (9) – 35
- (a) for “he serves” substitute “they serve”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- (11) In subsection (10) for “Secretary of State” substitute “Welsh Ministers”.
- (12) In subsection (11) –

- (a) for “Secretary of State proceeds” substitute “Welsh Ministers proceed”, and
  - (b) for “he” substitute “they”.
- 10 (1) Section 52G (acceptance of maximum amount) is amended as follows.
  - (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”. 5
  - (3) In subsection (2) –
    - (a) for “he receives” substitute “they receive”, and
    - (b) for “Secretary of State” substitute “Welsh Ministers”.
  - (4) In subsection (3) –
    - (a) for “he serves” substitute “they serve”, and 10
    - (b) for “Secretary of State” substitute “Welsh Ministers”.
- 11 (1) Section 52H (no challenge or acceptance) is amended as follows.
  - (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
  - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
  - (4) In subsection (3)(a) for “House of Commons” substitute “National Assembly for Wales”. 15
  - (5) In subsection (4) for “Secretary of State” substitute “Welsh Ministers”.
  - (6) In subsection (5) –
    - (a) for “he serves” substitute “they serve”, and
    - (b) for “Secretary of State” substitute “Welsh Ministers”. 20
- 12 In section 52I(5)(a) (duty of designated billing authority) for “general” substitute “council”.
- 13 (1) Section 52J (duty of designated precepting authority) is amended as follows.
  - (2) In subsection (1) –
    - (a) omit paragraph (a), and 25
    - (b) in paragraph (b) omit “(in any other case)”.
  - (3) Omit subsection (3).
  - (4) Omit subsection (6).
  - (5) Omit subsections (8) to (10).
- 14 (1) Section 52K (failure to substitute) is amended as follows. 30
  - (2) In subsection (1) –
    - (a) omit paragraph (a), and
    - (b) in paragraph (b) omit “(in any other case)”.
  - (3) For subsection (2) substitute –
    - “(2) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52I. 35
    - (2A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”
  - (4) In subsection (4)(b) omit “52I or”.



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- 15 (1) Section 52L (nomination) is amended as follows.
- (2) In subsection (1) for “Secretary of State nominates” substitute “Welsh Ministers nominate”.
- (3) In subsection (2) –
- (a) in the opening words for “He” substitute “They”, 5
  - (b) in paragraph (c) for “he determines” substitute “they determine”,  
and
  - (c) in paragraph (d) for “he” in both places substitute “they”.
- (4) In subsection (4) –
- (a) for “he intends” substitute “they intend”, and 10
  - (b) for “Secretary of State” substitute “Welsh Ministers”.
- 16 (1) Section 52M (designation after nomination) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”, 15
  - (b) in paragraph (a) for “nominates” substitute “nominate”, and
  - (c) in paragraph (b) for “decides” substitute “decide”.
- (3) In subsection (2) –
- (a) in the opening words for “He” substitute “They”,
  - (b) in paragraph (b) for “he proposes” substitute “they propose”, and 20
  - (c) in paragraph (c) for “he proposes” substitute “they propose”.
- (4) In subsection (3) –
- (a) in the opening words for “he” substitute “they”,
  - (b) in paragraph (a) for “he” in both places substitute “they”, and
  - (c) in paragraph (b) for “he thinks” substitute “they think”. 25
- (5) In subsection (4) –
- (a) in the opening words for “He” substitute “They”,
  - (b) in paragraph (e) for “he expects” substitute “they expect”, and
  - (c) in paragraph (f) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”. 30
- (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- 17 (1) Section 52N (no designation after nomination) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”, 35
  - (b) in paragraph (a) for “nominates” substitute “nominate”, and
  - (c) in paragraph (b) for “decides” substitute “decide”.
- (3) In subsection (2) –
- (a) for the first “He” substitute “They”, and
  - (b) for “he proposes” substitute “they propose”. 40
- (4) In subsection (3) –
- (a) in the opening words for “he” substitute “they”,

- (b) in paragraph (a) for “he” in both places substitute “they”, and
  - (c) in paragraph (b) for “he thinks” substitute “they think”.
- (5) In subsection (4) for “He” substitute “They”.
- (6) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- (7) In subsection (6) – 5
  - (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) in paragraph (a) –
    - (i) for “he receives” substitute “they receive”, and
    - (ii) for “his” substitute “their”. 10
- 18 (1) Section 52P (designation after previous designation) is amended as follows.
- (2) In subsection (1)(a) for “Secretary of State designates” substitute “Welsh Ministers designate”.
- (3) In subsection (2) – 15
  - (a) in the opening words –
    - (i) for the first “He” substitute “They”,
    - (ii) for “he does” substitute “they do”, and
    - (iii) for the third “he” substitute “they”,
  - (b) in paragraph (a) for “he proposes” substitute “they propose”, and
  - (c) in paragraph (b) for “he proposes” substitute “they propose”. 20
- (4) In subsection (3) –
  - (a) in the opening words for “he” substitute “they”, and
  - (b) in paragraph (c) for “he thinks” substitute “they think”.
- (5) In subsection (4) – 25
  - (a) in the opening words for “He” substitute “They”,
  - (b) in paragraph (e) for “he expects” substitute “they expect”, and
  - (c) in paragraph (f) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
- (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- (8) In subsection (10) for “Secretary of State” substitute “Welsh Ministers”. 30
- 19 (1) Section 52Q (challenge of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) – 35
  - (a) in paragraph (a) for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) in paragraph (b) for “he thinks” substitute “they think”.
- (5) In subsection (4) –
  - (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers’”, and 40

- (b) in paragraph (c) for “Secretary of State” substitute “Welsh Ministers”.
- (6) Omit subsection (5).
- (7) In subsection (6) for “House of Commons” substitute “National Assembly for Wales”.
- (8) In subsection (7) – 5  
 (a) for “Secretary of State” substitute “Welsh Ministers”, and  
 (b) in paragraph (b) for “he alters” substitute “they alter”.
- (9) In subsection (8) – 10  
 (a) for “he serves” substitute “they serve”, and  
 (b) for “Secretary of State” substitute “Welsh Ministers”.
- (10) In subsection (9) for “Secretary of State” substitute “Welsh Ministers”.
- 20 (1) Section 52R (acceptance of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
- (3) In subsection (2) – 15  
 (a) for “he receives” substitute “they receive”, and  
 (b) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) – 20  
 (a) for “he serves” substitute “they serve”, and  
 (b) for “Secretary of State” substitute “Welsh Ministers”.
- 21 (1) Section 52S (no challenge or acceptance) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) for “House of Commons” substitute “National Assembly for Wales” 25
- (5) In subsection (4) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (5) – 30  
 (a) for “he serves” substitute “they serve”, and  
 (b) for “Secretary of State” substitute “Welsh Ministers”.
- 22 In section 52T(7)(a) (duty of designated billing authority) for “general” substitute “council”.
- 23 (1) Section 52U (duty of designated precepting authority) is amended as follows.
- (2) In subsection (2) – 35  
 (a) omit paragraph (a), and  
 (b) in paragraph (b) omit “(in any other case)”.
- (3) Omit subsection (3).
- (4) In subsection (4) omit “is not the Greater London Authority and it”.

- 
- (5) In subsection (5) omit “(3) or”.
- (6) Omit subsection (6).
- (7) Omit subsection (9).
- (8) Omit subsections (11) to (13).
- 24 (1) Section 52V (failure to make or substitute calculation) is amended as follows. 5
- (2) For subsection (3) substitute –
- “(3) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52T.
- (3A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.” 10
- (3) In subsection (5)(b) omit “52T or”.
- 25 (1) Section 52W (meaning of budget requirement) is amended as follows.
- (2) In subsection (1) omit “other than the Greater London Authority”.
- (3) Omit subsection (2).
- 26 (1) Section 52X (calculations to be net of precepts) is amended as follows. 15
- (2) In subsection (2) –
- (a) in paragraph (a) for “Secretary of State proposes” substitute “Welsh Ministers propose”,
- (b) in paragraph (b) for “he proposes” substitute “they propose”,
- (c) in paragraph (d) for “he proposes” substitute “they propose”, and 20
- (d) in paragraph (e) for “he expects” substitute “they expect”.
- (3) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (7) for “House of Commons” substitute “National Assembly for Wales”.
- 27 (1) Section 52Y (information for purposes of Chapter 4A) is amended as follows. 25
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (4) –
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) for “him” in both places substitute “them”, and 30
- (c) for “his” in both places substitute “their”.
- (5) In subsection (5) for “Secretary of State specifies” substitute “Welsh Ministers specify”.
- (6) In subsection (7) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, 35
- (b) for “his” in both places substitute “their”, and
- (c) for “he thinks” substitute “they think”.
- (7) In subsection (8) –
- (a) for “his” in both places substitute “their”,

	(b) for “Secretary of State” substitute “Welsh Ministers”, and	
	(c) for “him” substitute “them”.	
28	Omit section 52Z (separate administration of Chapter 4A for England and Wales).	
29	In section 66(2)(c) (matters that may not be questioned except by an application for judicial review) –	5
	(a) before “52I” insert “52ZF,”, and	
	(b) before “52J” insert “52ZJ,”.	
30	In section 67(2)(b) (functions to be discharged only by authority) –	
	(a) before “52I” insert “52ZF,”, and	10
	(b) before “52J” insert “52ZJ,”.	
31	In section 106(2)(a) (council tax: restrictions on voting) after “IV” insert “, 4ZA”.	
<i>Police Act 1996 (c. 16)</i>		
32	In section 41(2) of the Police Act 1996 (direction as to minimum budget) after “Chapter” insert “4ZA or”.	15
<i>Greater London Authority Act 1999 (c. 29)</i>		
33	The Greater London Authority Act 1999 is amended as follows.	
34	In section 95 (minimum budget for Metropolitan Police Authority) after subsection (3) insert –	20
	“(3A) The power exercisable by virtue of subsection (2) above, and any direction given under that power, are subject to any limitation imposed under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 (council tax referendums).”	
35	In section 96 (provisions supplementary to section 95) after subsection (6) insert –	25
	“(7) Subsections (5) and (6) above are subject to section 95(3A) (which provides that directions under that section are subject to the limitations imposed by the provisions about council tax referendums in Chapter 4ZA of Part 1 of the Local Government Finance Act 1992).”	30
36	(1) Schedule 6 (procedure for determining the authority’s consolidated budget requirement) is amended as follows.	
	(2) In paragraph 1 after sub-paragraph (4) insert –	
	“(5) In this Schedule “the relevant principles”, in relation to a budget or a council tax requirement for a financial year, means the principles approved by the House of Commons for the financial year under section 52ZD of the Local Government Finance Act 1992 (principles in connection with council tax referendums).	35
	(6) For the purposes of this Schedule, whether or not a budget or council tax requirement for a financial year complies with the relevant principles is to be determined by reference to whether or	40

not the amount that would be calculated for the year under section 88 or 89 above (calculation of basic amount of council tax) by reference to the budget or council tax requirement is excessive by reference to the relevant principles.”

- (3) In paragraph 4 – 5
- (a) after sub-paragraph (1) insert –
- “(1A) If the draft consolidated budget does not comply with the relevant principles, the Assembly shall also prepare a draft substitute consolidated budget that complies with those principles.”, and 10
- (b) after sub-paragraph (2) insert –
- “(3) If, at the public meeting referred to in sub-paragraph (2) above, the draft substitute consolidated budget prepared under sub-paragraph (1A) above is approved by the Assembly, that draft, as so approved, shall be the Authority’s substitute consolidated budget for the financial year to which it relates.” 15
- (4) After paragraph 6 insert –
- “The Mayor’s substitute consolidated budget*
- 6A (1) This paragraph applies if the Mayor prepares a final draft budget that does not comply with the relevant principles. 20
- (2) The Mayor shall also prepare a draft substitute consolidated budget that complies with those principles.
- (3) The Mayor shall – 25
- (a) present the draft substitute consolidated budget to the Assembly, and
- (b) publish it in such manner as the Mayor may determine.
- (4) The Mayor shall, at the time when the Mayor presents the draft substitute consolidated budget to the Assembly, lay before the Assembly in accordance with standing orders of the Authority a written statement of the reasons for the differences between the final draft budget and the draft substitute consolidated budget. 30
- (5) It shall be the duty of the Mayor (having regard to paragraphs 8(7) and 8C below) to comply with sub-paragraph (4) above before the last day of February in the financial year preceding that to which the final draft budget relates.” 35
- (5) In paragraph 7 after sub-paragraph (4) insert –
- “(4A) If the Authority’s consolidated council tax requirement does not comply with the relevant principles, the Assembly shall also agree a substitute consolidated council tax requirement that complies with those principles at the public meeting.” 40
- (6) In paragraph 8 after sub-paragraph (6) insert –
- “(6A) Sub-paragraph (6B) below applies if –

- 
- (a) the final draft budget is approved by the Assembly with amendments, and
- (b) as a result, the final draft budget no longer complies with the relevant principles.
- (6B) The Assembly shall also agree a substitute consolidated budget that complies with those principles at the public meeting.” 5
- (7) After paragraph 8A insert –
- “Approval of substitute consolidated budget by Assembly following non-compliance by Mayor with paragraph 6A*
- 8B (1) This paragraph applies if – 10
- (a) the Mayor presents a final draft budget to the Assembly in accordance with paragraph 6 above, and
- (b) the Mayor has failed to comply with paragraph 6A(5) above.
- (2) If at the public meeting held under paragraph 8 above the Assembly approves a final draft budget that does not comply with the relevant principles, it shall also agree a substitute consolidated budget that complies with those principles at that meeting. 15
- Approval of substitute consolidated budget by Assembly following compliance by Mayor with paragraph 6A* 20
- 8C (1) This paragraph applies if –
- (a) the Mayor presents a draft substitute consolidated budget to the Assembly in accordance with paragraph 6A above,
- (b) a public meeting is held under paragraph 8 above to consider the draft final budget to which it relates, and 25
- (c) the final budget as approved at that public meeting continues not to comply with the relevant principles.
- (2) The draft substitute consolidated budget must be considered at the public meeting.
- (3) After considering the draft substitute consolidated budget, the Assembly must approve it with or without amendment (but see paragraph 8D below). 30
- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by at least two-thirds of the Assembly members voting. 35
- (5) If no amendments are made on consideration of the draft substitute consolidated budget, it shall be deemed to be approved without amendment.
- (6) The draft substitute consolidated budget as approved by the Assembly with or without amendments shall be the Authority’s substitute consolidated budget for the financial year. 40

*Limit on Assembly’s power to amend Mayor’s substitute consolidated budget*

- 8D (1) Paragraph 8A above applies to amendments to the draft substitute consolidated budget as it applies to amendments to the final draft budget as if –
- (a) references to the final draft component council tax requirement for the Assembly were to the component council tax requirement for the Assembly as stated in the draft substitute consolidated budget, and 5
  - (b) references to the final draft component council tax requirement for the Mayor were to the component council tax requirement for the Mayor as stated in the draft substitute consolidated budget. 10
- (2) In exercising its powers of amendment under paragraph 8C above, the Assembly must not in any event make amendments that mean that the draft substitute consolidated budget no longer complies with the relevant principles.” 15
- (8) After paragraph 9 insert –

*“Failure of Assembly to approve draft substitute consolidated budget*

- 9A If the Assembly fails to comply with paragraph 8C above, the draft substitute consolidated budget presented to the Assembly in accordance with paragraph 6A above shall be the Authority’s substitute consolidated budget for the year.” 20
- 37 (1) Schedule 7 (procedure for making of substitute calculations by the Authority) is amended as follows.
- (2) In paragraph 3(1) for “52K or 52V” substitute “52ZW”. 25
  - (3) In paragraph 6(1) for “52K or 52V” substitute “52ZW”.

SCHEDULE 7

Section 67

COUNCIL TAX: MINOR AND CONSEQUENTIAL AMENDMENTS

*Local Government Finance Act 1988 (c. 41)*

- 1 The Local Government Finance Act 1988 is amended as follows. 30
- 2 In section 74(4) (levies) –
- (a) in paragraph (a) after “section” insert “31A or”, and
  - (b) in paragraph (b) after “section” insert “42A or”.
- 3 In section 75(6)(a) (special levies) after “section” insert “31A or”.
- 4 In section 97(1) (principal transfers between funds) – 35
- (a) for “32 to 36” substitute “31A, 31B and 34 to 36”,
  - (b) in the definition of item B for “33(1)” substitute “31B(1)”, and
  - (c) in the definition of item T for “33(1)” substitute “31B(1)”.
- 5 In section 99(4) (regulations about funds) for “32(4)” substitute “31A(4)”.



- 6 In Schedule 7 (non-domestic rating: multipliers) in paragraph 9(4) in the definition of item C for “32(4)” substitute “31A(4)”.

*Local Government Finance Act 1992 (c. 14)*

- 7 The Local Government Finance Act 1992 is amended as follows.
- 8 (1) Section 30 (amounts of council tax for different categories of dwelling) is amended as follows. 5
- (2) In subsection (2) –
- (a) in paragraph (a) for “sections 32 to 36 below;” substitute “ –
- (i) in the case of a billing authority in England, sections 31A, 31B and 34 to 36 below, or 10
- (ii) in the case of a billing authority in Wales, sections 32 to 36 below;”, and
- (b) in paragraph (b) for the words from “, have been calculated” to the end of the paragraph substitute “ –
- (i) in the case of a billing authority in England, have been calculated in accordance with sections 42A, 42B and 45 to 47 below and have been stated (or last stated) in accordance with section 40 below in precepts issued to the authority by major precepting authorities, or 15
- (ii) in the case of a billing authority in Wales, have been calculated in accordance with sections 43 to 47 below and have been stated (or last stated) in accordance with section 40 below in precepts issued to the authority by major precepting authorities.” 20
- (3) In subsection (4) for “sections 32” to the end of the subsection insert “ –
- (a) in the case of a billing authority in England, sections 31A, 31B and 34 to 36 below, or sections 42A, 42B and 45 to 47 below, or both, or 30
- (b) in the case of a billing authority in Wales, sections 32 to 36 below, or sections 43 to 47 below, or both.”
- 9 In section 31(1)(a) (substituted amounts) after “section” insert “36A,”.
- 10 (1) Section 32 (calculation of budget requirement by billing authority) is amended as follows. 35
- (2) In the heading at the end insert “by authorities in Wales”.
- (3) In subsection (1) after “billing authority” insert “in Wales”.
- (4) In subsection (2) –
- (a) omit the paragraph (a) inserted in relation to authorities in England by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2005 (S.I. 2005/190) (so that the paragraph (a) in that subsection as enacted continues to have effect for authorities in Wales), 40
- (b) at the end of paragraph (c) insert “and”, and
- (c) omit paragraph (e). 45

- 
- (5) In subsection (3) –
- (a) in paragraph (a) –
    - (i) omit the words “general fund or (as the case may be)”,
    - (ii) omit the words from “BID levy” to “2003”, and
    - (iii) omit the words “or (in the case of the Common Council only) police grant”,
  - (b) omit paragraph (b), and
  - (c) in paragraph (c) for “, (b) and (e)” substitute “and (b)”.
- (6) In subsection (3A) –
- (a) omit “In the case of any billing authority in Wales”, and
  - (b) for “their” substitute “a billing authority’s”.
- (7) For subsection (5) substitute –
- “(5) In making the calculation under subsection (2) above the authority must ignore –
- (a) payments which must be met from a trust fund;
  - (b) payments to be made to the Secretary of State under paragraph 5 of Schedule 8 to the 1988 Act or regulations made under paragraph 5(15) of that Schedule;
  - (c) payments to be made in respect of the amount of any precept issued by a major precepting authority under Part 1 of this Act (but not payments to be so made in respect of interest on such an amount); and
  - (d) payments to be made to another person in repaying, under regulations under the 1988 Act or Part 1 of this Act, excess receipts by way of non-domestic rates or council tax.”
- (8) In subsection (7)(a) omit sub-paragraph (ii).
- (9) Omit subsections (8) to (8B).
- (10) In subsection (9) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) for “(8B)” substitute “(7)”.
- (11) In subsection (12) omit the definition of “police grant”.
- (12) Omit subsection (13).
- 11 (1) Section 33 (calculation of basic amount of tax by billing authority) is amended as follows.
- (2) In the heading at the end insert “by authorities in Wales”.
  - (3) In subsection (1) –
    - (a) after “billing authority” insert “in Wales”, and
    - (b) in the definition of item P omit –
      - (i) “general fund or (as the case may be)”, and
      - (ii) “or (in the case of the Common Council only) police grant”.
  - (4) Omit subsections (3) and (3A).
  - (5) In subsection (3B) –

- (a) omit “In the case of a Welsh county council or county borough council,”, and
- (b) in each of the definitions of items J, K and L for “council’s” substitute “authority’s”.
- (6) In subsection (4) omit “or subsection (3) above”. 5
- (7) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- 12 In section 34(2) (additional calculation where special items relate to part only of area) –
- (a) in the definition of item B after “under” insert “section 31B(1) above or”, and 10
- (b) in the definition of item T after “item T” insert “in section 31B(1) above or”.
- 13 In section 35(1)(a) (special item for the purposes of section 34) after “under” insert “section 31A(2) above or”.
- 14 In section 36(1) (calculation of tax for different valuation bands) in the definition of “item A” after the first “under” insert “section 31B(1) above or”. 15
- 15 After section 36 insert –
- “36A Substitute calculations: England**
- (1) An authority in England which has made calculations in accordance with sections 31A, 31B and 34 to 36 above in relation to a financial year (originally or by way of substitute) may make calculations in substitution in relation to the year in accordance with those sections, ignoring section 31A(11) above for this purpose. 20
- (2) None of the substitute calculations shall have any effect if –
- (a) the amount calculated under section 31A(4) above, or any amount calculated under section 31B(1) or 34(2) or (3) above as the basic amount of council tax applicable to any dwelling, would exceed that so calculated in the previous calculations, or 25
- (b) the billing authority fails to comply with subsection (3) below in making the substitute calculations. 30
- (3) In making substitute calculations under section 31B(1) or 34(3) above, the billing authority must use any amount determined in the previous calculations for item T in section 31B(1) above or item TP in section 34(3) above. 35
- (4) For the purposes of subsection (2)(a) above, one negative amount is to be taken to exceed another if it is closer to nil (so that minus £1 is to be taken to exceed minus £2).
- (5) Subsections (2) and (3) above do not apply if the previous calculations have been quashed because of a failure to comply with sections 31A, 31B and 34 to 36 above in making the calculations.” 40
- 16 In section 37(1) (substitute calculations) after “authority” insert “in Wales”.
- 17 (1) Section 40 (issue of precepts by major precepting authorities) is amended as follows.

- (2) In subsection (2)(a) for “sections 43 to 47 below;” substitute “ –  
(i) in the case of a precepting authority in England, sections 42A, 42B and 45 to 47 below, or  
(ii) in the case of a precepting authority in Wales, sections 43 to 47 below;”.
- (3) In subsection (3) for “sections 43 to 47 below” substitute “ –  
(a) in the case of a precepting authority in England, sections 42A, 42B and 45 to 47 below, or  
(b) in the case of a precepting authority in Wales, sections 43 to 47 below.”
- (4) After subsection (5) insert –  
“(5A) No such precept may be issued by a precepting authority in England to a billing authority before the earlier of the following –  
(a) the earliest date on which, for the financial year for which the precept is issued, each of the periods prescribed for the purposes of item T in section 31B(1) above, item T in section 42B(1) below and item TP in section 45(3) below has expired;  
(b) the earliest date on which, for that year, each billing authority has notified its calculations for the purposes of those items to the precepting authority.”
- (5) In subsection (6) after the first “authority” insert “in Wales”.
- (6) In subsection (8) after “subsection” insert “(5A),”.
- (7) In subsection (9) –  
(a) in paragraph (a) –  
(i) after “(2)(a)” insert “(i)”, and  
(ii) for “43 to 47” substitute “sections 42A, 42B and 45 to 47”,  
(b) in paragraph (b) –  
(i) after “(3)” insert “(a)”, and  
(ii) for “43 to 47” substitute “sections 42A, 42B and 45 to 47”,  
(c) in paragraph (c) –  
(i) for “(6)” substitute “(5A)”, and  
(ii) for “44(1)” substitute “42B(1)”, and  
(d) in paragraph (d) for “(6)” substitute “(5A)”.
- 18 (1) Section 41 (precepts by local precepting authorities) is amended as follows.
- (2) In subsection (2) for the words from “by the precepting authority” to the end substitute “ –  
(a) in the case of a precepting authority in England, by that authority under section 49A below as its council tax requirement for the year, and  
(b) in the case of a precepting authority in Wales, by that authority under section 50 below as its budget requirement for the year.”
- (3) After that subsection insert –  
“(2A) The Secretary of State may by regulations make provision that a billing authority in England making calculations in accordance with

- section 31A above (originally or by way of substitute) may anticipate a precept under this section; and the regulations may include provision as to –
- (a) the amounts which may be anticipated by billing authorities in pursuance of the regulations; 5
  - (b) the sums (if any) to be paid by such authorities in respect of amounts anticipated by them; and
  - (c) the sums (if any) to be paid by such authorities in respect of amounts not anticipated by them.”
- (4) In subsection (3) – 10
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) after “billing authority” insert “in Wales”.
- 19 In section 42(1)(b) (substituted precepts) after “49” insert “49A,”.
- 20 (1) Section 43 (calculation of budget requirement by major precepting authority) is amended as follows. 15
- (2) In the heading at the end insert “by authorities in Wales”.
  - (3) In subsection (1) after “major precepting authority” insert “in Wales”.
  - (4) Omit subsection (5).
  - (5) For subsections (6A) to (6D) substitute –
- “(6A) In this section and section 44 below “police grant”, in relation to a major precepting authority and a financial year, means the total amount of grant payable to the authority in accordance with the police grant report for that year. 20
  - (6B) In subsection (6A) above “police grant report” means a police grant report approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996.” 25
- (6) In subsection (7) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) in paragraph (b) for the words from “subsections” to “them” substitute “subsection (6)”. 30
- 21 (1) Section 44 (calculation of basic amount of tax by major precepting authority) is amended as follows.
- (2) In the heading at the end insert “by authorities in Wales”.
  - (3) In subsection (1) after “major precepting authority” insert “in Wales”.
  - (4) In each of subsections (4) and (5) for “Secretary of State” substitute “Welsh Ministers”. 35
- 22 In section 45(2) (additional calculation where special items relate to part only of area)-
- (a) in the definition of item B after “under” insert “section 42B(1) above or”, and 40
  - (b) in the definition of item T after “item T” insert “in section 42B(1) above or”.

- 
- 23 In section 46(1) (special item for the purposes of section 34) after “under” insert “section 42A(2) above or”.
- 24 In section 47(1) (calculation of tax for different valuation bands) in the definition of “item A” after the first “under” insert “section 42B(1) above or”.
- 25 (1) Section 48 (calculation of amount payable by each billing authority) is amended as follows. 5
- (2) In subsection (1A) in the definition of item T for “33(1)” substitute “31B(1)”.
- (3) In subsection (2) –
- (a) for “44(1) or” substitute “42B(1) above or (as the case may be) 44(1) above or under section”, and 10
- (b) in the definition of item T after the second “in” insert “section 31B(1) or (as the case may be)”.
- (4) In subsection (3) for “44(1) or” substitute “42B(1) above or 44(1) above or under section”.
- 26 (1) Section 49 (substitute calculations) is amended as follows. 15
- (2) In subsection (1) before paragraph (a) insert –
- “(za) sections 42A, 42B and 45 to 48 above (originally or by way of substitute),”.
- (3) In subsection (1A) before paragraph (a) insert –
- “(za) in a case falling within paragraph (za), the provisions specified in that paragraph;”.
- (4) In subsection (2) –
- (a) before paragraph (a) insert –
- “(za) in the case of a major precepting authority in England other than the Greater London Authority, the amount under section 42A(4) above, or any amount calculated under section 42B(1) or 45(2) or (3) above as the basic amount of council tax applicable to any dwelling, would exceed that so calculated in the previous calculations; or”, 25
- (b) in paragraph (a) for “other than the Greater London Authority” substitute “in Wales”, 30
- (c) in paragraph (aa)(i) for “budget” substitute “council tax”, and
- (d) in paragraph (b) for “subsection (3) or (3A) below” substitute “whichever of subsections (2A), (3) and (3A) below is applicable to it”. 35
- (5) After that subsection insert –
- “(2A) In making substitute calculations under section 42B(1) or 45(3) above, an authority in England other than the Greater London Authority must use any amount determined in the previous calculations for item T in section 42B(1) above or item TP in section 45(3) above.” 40
- (6) In subsection (3) for “the authority” substitute “an authority in Wales”.
- (7) In subsection (3A) –
- (a) for “authority” substitute “Greater London Authority”, and 45

- (b) omit “P1 or” and “item P2 or”.
- (8) Omit subsections (4A) to (4C).
- (9) Before subsection (5) insert –
- “(4D) Subsections (2) and (2A) above shall not apply if the previous calculations have been quashed because of a failure to comply with sections 42A, 42B and 45 to 48 above in making the calculations.” 5
- 27 (1) Section 50 (calculation of budget requirement by major precepting authorities) is amended as follows.
- (2) In the heading at the end insert “by authorities in Wales”.
- (3) In subsection (1) after “local precepting authority” insert “in Wales”. 10
- 28 In section 65(4)(a) (duty to consult ratepayers: timing) after “under” insert “section 31A above or”.
- 29 In section 66(2)(c) (matters that may not be questioned except by an application for judicial review) –
- (a) for “32” substitute “31A”, and 15
- (b) for “43” substitute “42A”.
- 30 (1) Section 67 (functions to be discharged only by authority) is amended as follows.
- (2) In subsection (2)(b) –
- (a) for “32” substitute “31A”, and 20
- (b) for “43” substitute “42A”.
- (3) In subsection (2A) –
- (a) before paragraph (a) insert –
- “(za) the determination of an amount for item T in section 31B(1) above;”, and 25
- (b) after paragraph (b) insert –
- “(ba) the determination of an amount for item T in section 42B(1) above;”.
- (4) In subsection (3) after “(2)” insert “(ba) or”.
- 31 In section 69 (interpretation of Part 1) omit subsection (2A). 30
- Environment Act 1995 (c. 25)*
- 32 In section 71(6) of the Environment Act 1995 (National Park authorities to be levying bodies) for the words from “32 or 43” to the end substitute “31A or 42A (calculation of council tax requirement by authorities in England) or section 32 or 42 (calculation of budget requirement by authorities in Wales) of the Local Government Finance Act 1992.” 35
- Police Act 1996 (c. 16)*
- 33 In section 41(1) of the Police Act 1996 (directions as to minimum budget) for the words from “budget requirement” to “Act 1992)” substitute “council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act) for any financial year”. 40

*Greater London Authority Act 1999 (c. 29)*

- 34 The Greater London Authority Act 1999 is amended as follows.
- 35 In section 87 (procedure for determining the budget requirement) for “budget” in each place (including the heading) substitute “council tax”.
- 36 (1) Section 95 (minimum budget for Metropolitan Police Authority) is amended as follows. 5
- (2) In each of the following provisions for “budget” substitute “council tax” –
- (a) subsection (1),
  - (b) subsection (2),
  - (c) subsection (5)(a), and
  - (d) subsection (7)(b) (in both places). 10
- (3) In subsection (8) omit “P1 or” and “item P2 or”.
- (4) Omit subsections (9) to (11).
- 37 In section 97 (emergencies and disasters) in both of the following provisions for “budget” substitute “council tax” – 15
- (a) subsection (1)(b), and
  - (b) subsection (2)(b).
- 38 In section 99 –
- (a) at the appropriate place insert ““BID levy” has the same meaning as in Part 4 of the Local Government Act 2003;”, 20
  - (b) in each of the definitions of “component budget requirement” and “consolidated budget requirement” for “budget” substitute “council tax”, and
  - (c) omit the definitions of “police grant” and “relevant special grant”.
- 39 In section 102(2) (distribution of grants between authority and functional bodies – 25
- (a) omit paragraph (c), and
  - (b) at the end of paragraph (g) (but not as part of that paragraph) insert “and which are credited to a revenue account for the year in accordance with proper practices.” 30
- 40 In Schedule 6 (procedure for determining the Authority’s consolidated budget requirement) in each of the following provisions for “budget” in each place substitute “council tax” –
- (a) the Schedule heading,
  - (b) paragraph 1(2)(a) and (3)(a) and (b), 35
  - (c) paragraph 5A(1), (2)(a), (3) to (5), (6)(b), (7) to (9) and (12) (but not in “the draft component budget for the body”),
  - (d) paragraph 7(2) to (4), and
  - (e) paragraph 8A(1), (2)(a), (3) to (5), (6)(b), (7), (8) and (10) (but not in “the final draft budget”). 40
- 41 In Schedule 7 (procedure for making of substitute calculations by the Authority) in each of following provisions for “budget” substitute “council tax” –
- (a) paragraph 4A(1), (2)(a), (3), (5) to (9) and (11)(c) (but not in “the first draft component budget for the body”), and 45



(b) paragraph 7A(1), (2)(a), (3), (5) to (9) and (11).

*Local Government Act 2003 (c. 26)*

- 42 The Local Government Act 2003 is amended as follows.
- 43 In section 25(1) (budget calculation: report on robustness of estimates etc) for “32” substitute “31A, 32, 42A”. 5
- 44 In section 26(1) (minimum reserves) –
- (a) in paragraph (a) –
- (i) after “section” insert “31A or”, and
- (ii) after the second “of” insert “council tax or”, and
- (b) in paragraph (b) after “section” insert “42A or”. 10
- 45 In section 27(1) (budget calculation: report on inadequacy of controlled reserve) for “32” substitute “31A, 32, 42A”.
- 46 (1) Section 28 (budget monitoring: general) is amended as follows.
- (2) In subsection (1) for “32” substitute “31A, 32, 42A”.
- (3) In subsection (4) – 15
- (a) for “32(4)” substitute “31A(4), 32(4), 42A(4)”, and
- (b) before “budget” insert “council tax or”.

*London Local Authorities Act 2004 (2004 c. i)*

- 47 In section 23 of the London Local Authorities Act 2004 (Greater London Magistrates’ Courts Authority) for “33” substitute “31B”. 20

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

- 48 The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- 49 In section 24(1)(d) (authorities dissolved by orders: control of reserves) for “32(3) or 43(3)” substitute “31A(3) or 42A(3)”. 25
- 50 In section 25(1)(a) (directions: further provisions about reserves) for “32(3) or 43(3)” substitute “31A(3) or 42A(3)”.
- 51 (1) Section 28 (contraventions of direction) is amended as follows.
- (2) In subsection (5) for “32(3)” substitute “31A(3)”.
- (3) In subsection (6) for “43(3)” substitute “42A(3)”. 30

SCHEDULE 8

Section 97

REGIONAL STRATEGIES: CONSEQUENTIAL AMENDMENTS

*Town and Country Planning Act 1990 (c. 8)*

- 1 In Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions) in paragraph 7 – 35

- (a) omit sub-paragraphs (2)(a), (3) and (5)(a),
- (b) in sub-paragraph (7)(a) for the words from “the responsible regional authorities” to “(the consulted body)” substitute “the county planning authority”,
- (c) in sub-paragraphs (7)(b) and (8) for “the consulted body” in each place substitute “the county planning authority”, and
- (d) omit sub-paragraphs (9), (10)(b) and (11).

*Regional Development Agencies Act 1998 (c. 45)*

- 2 In the Regional Development Agencies Act 1998 omit section 7 (regional strategy). 10

*Greater London Authority Act 1999 (c. 29)*

- 3 The Greater London Authority Act 1999 is amended as follows.
- 4 In section 337(6)(a) (conflict between regional spatial strategy and spatial development strategy) omit “or the regional spatial strategy for a region which adjoins Greater London”. 15
- 5 In section 342(1) (matters to which the Mayor is to have regard) –
  - (a) omit paragraph (a), and
  - (b) in paragraph (b) omit “other”.
- 6 In Schedule 10 (Transport for London) in paragraph 2 –
  - (a) omit sub-paragraph (3A), and
  - (b) in sub-paragraph (8) omit the definition of “regional planning body” and “region”. 20

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 7 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 8 In section 15(3) (preparation of local development scheme) omit paragraph (c). 25
- 9 In section 19(2) (preparation of local development documents) omit paragraphs (b) and (d).
- 10 (1) Section 24 (conformity with regional strategy) is amended as follows.
  - (2) In the heading for “regional strategy” substitute “spatial development strategy”. 30
  - (3) In subsection (1) omit paragraph (a).
- 11 In section 28 (joint local development documents) omit subsection (4).
- 12 In section 37 (interpretation) omit subsections (6) and (6A).
- 13 In section 38(3) (development plan for areas in England outside Greater London) omit paragraph (a). 35
- 14 (1) Section 45 (simplified planning zones) is amended as follows.
  - (2) Before subsection (1) insert –
    - “(A1) The principal Act is amended in relation to Wales as follows.”

- 
- (3) In subsection (1) for “the principal Act” substitute “that Act”.
- (4) In the text to be inserted by subsection (2), in subsection (1A) –
- (a) omit paragraph (a), and
  - (b) in paragraph (b) omit “in Wales”.
- (5) In the text to be inserted by subsection (3) – 5
- (a) in subsection (2)(b) omit –
    - (i) “the Secretary of State or”, and
    - (ii) “(as the case may be)”,
  - (b) in subsection (2A) omit paragraph (b), and
  - (c) omit subsection (2B). 10
- (6) Omit subsection (4).
- (7) In the text to be inserted by subsection (9) –
- (a) in sub-paragraph (1A) –
    - (i) omit paragraph (a), and
    - (ii) in paragraph (b) omit “in Wales”, 15
  - (b) in sub-paragraph (1B) omit –
    - (i) “the Secretary of State or”, and
    - (ii) “(as the case may be)”, and
  - (c) in sub-paragraph (1C) omit –
    - (i) “Secretary of State or the”, and 20
    - (ii) “(as the case may be)”.
- 15 In section 62(5) (preparation of local development plan) omit paragraph (c).
- 16 In section 78 (interpretation of Part 6) omit subsection (5).
- 17 (1) Section 113 (validity of strategies, plans and documents) is amended as follows. 25
- (2) In subsection (1) –
- (a) omit paragraph (a), and
  - (b) in the words following paragraph (g) for “(a)” substitute “(b)”.
- (3) In subsection (9) omit paragraph (a).
- (4) In subsection (11) omit paragraph (a). 30
- (5) Omit subsection (12).
- Marine and Coastal Access Act 2009 (c. 23)*
- 18 In Schedule 6 to the Marine and Coastal Access Act 2009, in paragraph 1 –
- (a) in sub-paragraph (2) omit paragraph (e), and
  - (b) in sub-paragraph (3) omit the definition of “responsible regional authorities”. 35

SCHEDULE 9

Section 104

NEIGHBOURHOOD PLANNING

PART 1

NEIGHBOURHOOD DEVELOPMENT ORDERS

- |   |   |   |
|---|---|---|
| 1 | The Town and Country Planning Act 1990 is amended as follows. | 5 |
| 2 | After section 61D insert –                                    |   |

*“Neighbourhood development orders*

**61E Neighbourhood development orders**

- |     |  |          |
|-----|--|----------|
| (1) | Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development order.  | 10       |
| (2) | A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the order –<br>(a) for development specified in the order, or<br>(b) for development of any class specified in the order.   | 15       |
| (3) | Schedule 4B makes provision about the process for the making of neighbourhood development orders, including –<br>(a) provision for independent examination of orders proposed by qualifying bodies, and<br>(b) provision for the holding of referendums on orders proposed by those bodies.  | 20       |
| (4) | A local planning authority to whom a proposal for the making of a neighbourhood development order has been made –<br>(a) must make a neighbourhood development order to which the proposal relates if in each applicable referendum under that Schedule more than half of those voting have voted in favour of the order, and<br>(b) if paragraph (a) applies, must make the order as soon as reasonably practicable after the referendum is held. | 25<br>30 |
| (5) | If –<br>(a) there are two applicable referendums under that Schedule (because the order relates to a neighbourhood area designated as a business area under section 61H), and<br>(b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the order,<br>the authority may (but need not) make a neighbourhood development order to which the proposal relates.                                   | 35       |
| (6) | A “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as a result of section 61F.  | 40       |

- 
- (7) For the meaning of “neighbourhood area”, see sections 61G and 61I(1).
- (8) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the order would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). 5
- (9) Regulations may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (8). 10
- (10) The regulations may in particular make provision –
- (a) for the holding of an examination,
  - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
  - (c) as to the award of costs by the examiner, 15
  - (d) as to the giving of notice and publicity,
  - (e) as to the information and documents that are to be made available to the public,
  - (f) as to the making of reasonable charges for anything provided as a result of the regulations, 20
  - (g) as to consultation with and participation by the public, and
  - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (11) The authority must publish in such manner as may be prescribed –
- (a) their decision to act under subsection (4) or (8), 25
  - (b) their reasons for making that decision, and
  - (c) such other matters relating to that decision as may be prescribed.
- (12) The authority must send a copy of the matters required to be published to – 30
- (a) the qualifying body that initiated the process for the making of the order, and
  - (b) such other persons as may be prescribed.
- (13) A local planning authority must publish each neighbourhood development order that they make in such manner as may be prescribed. 35

**61F Authorisation to act in relation to neighbourhood areas**

- (1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. 40
- (2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent. 45

- (3) For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area.
- (4) An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council. 5
- (5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions – 10
- (a) it is established expressly for either or both of the following purposes –
- (i) furthering the social, economic and environmental well-being of individuals living, or wanting to live, in an area that consists of or includes the neighbourhood area concerned, 15
- (ii) promoting the carrying on of trades, professions or other businesses in such an area,
- (b) its membership is open to – 20
- (i) individuals who live in the neighbourhood area concerned,
- (ii) individuals who work there (whether for businesses carried on there or otherwise), and
- (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned, 25
- (c) its membership includes a minimum of 21 individuals each of whom – 30
- (i) lives in the neighbourhood area concerned,
- (ii) works there (whether for a business carried on there or otherwise), or
- (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned, 35
- (d) it has a written constitution, and
- (e) such other conditions as may be prescribed.
- (6) A local planning authority may also designate an organisation or body as a neighbourhood forum if they are satisfied that the organisation or body meets prescribed conditions. 40
- (7) A local planning authority –
- (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating an organisation or body – 45
- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (i) to (iii) of subsection (5)(b),

- 
- (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
  - (iii) whose purpose reflects (in general terms) the character of that area, 5
  - (b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,
  - (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and 10
  - (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.
  - (8) A designation –
    - (a) ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period, and 15
    - (b) in the case of the designation of an unincorporated association, is not to be affected merely because of a change in the membership of the association. 20
  - (9) A local planning authority may withdraw an organisation or body’s designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting –
    - (a) the conditions by reference to which it was designated, or 25
    - (b) any other criteria to which the authority were required to have regard in making the designation;
 and, where an organisation or body’s designation is withdrawn, the authority must give reasons to the organisation or body.
  - (10) A proposal for a neighbourhood development order by a parish council or neighbourhood forum may not be made at any time in relation to a neighbourhood area if there is at that time another proposal by the council or forum in relation to that area that is outstanding. 30
  - (11) Each local planning authority must make such arrangements as they consider appropriate for making people aware as to the times when organisations or bodies could make applications to be designated as neighbourhood forums for neighbourhood areas. 35
  - (12) Regulations –
    - (a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and 40
    - (b) may make provision in connection with designations (or withdrawals of designations) of organisations or bodies as neighbourhood forums (including provision of a kind mentioned in section 61G(11)(a) to (g)). 45
  - (13) The regulations may in particular make provision –

- (a) as to the consequences of the creation of a new parish council, or a change in the area of a parish council, on any proposal made for a neighbourhood development order,
- (b) as to the consequences of the dissolution of a neighbourhood forum on any proposal for a neighbourhood development order made by it, 5
- (c) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum, 10
- (d) for determining when a proposal for a neighbourhood development order is to be regarded as outstanding, and
- (e) requiring a local planning authority to have regard (in addition, where relevant, to the matters set out in subsection (7)(a)) to prescribed matters in determining whether to designate an organisation or body as a neighbourhood forum. 15

**61G Meaning of “neighbourhood area”**

- (1) A “neighbourhood area” means an area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area; but that power to designate is exercisable only where –
  - (a) a relevant body has applied to the authority for an area specified in the application to be designated by the authority as a neighbourhood area, and 25
  - (b) the authority are determining the application (but see subsection (5)).
- (2) A “relevant body” means –
  - (a) a parish council, or 30
  - (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).
- (3) The specified area –
  - (a) in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council, and 35
  - (b) in the case of an application by an organisation or body, must not be one that consists of or includes the whole or any part of the area of a parish council. 40
- (4) In determining an application the authority must have regard to –
  - (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
  - (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. 45
- (5) If –
  - (a) a valid application is made to the authority,



- 
- (b) some or all of the specified area has not been designated as a neighbourhood area, and
- (c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area, 5
- the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.
- (6) The authority may, in determining any application, modify designations already made. 10
- (7) The areas designated as neighbourhood areas must not overlap with each other.
- (8) A local planning authority must publish a map setting out the areas that are for the time being designated as neighbourhood areas.
- (9) If the authority refuse an application, they must give reasons to the applicant for refusing the application. 15
- (10) In this section “specified”, in relation to an application, means specified in the application.
- (11) Regulations may make provision in connection with the designation of areas as neighbourhood areas; and the regulations may in particular make provision – 20
- (a) as to the procedure to be followed in relation to designations,
- (b) as to the giving of notice and publicity in connection with designations,
- (c) as to consultation with and participation by the public in relation to designations, 25
- (d) as to the making and consideration of representations about designations (including the time by which representations must be made),
- (e) as to the form and content of applications for designations, 30
- (f) requiring an application for a designation to be determined by a prescribed date,
- (g) entitling or requiring a local planning authority in prescribed circumstances to decline to consider an application for a designation, and 35
- (h) about the modification of designations (including provision about the consequences of modification on proposals for neighbourhood development orders, or on neighbourhood development orders, that have already been made).
- 61H Neighbourhood areas designated as business areas 40**
- (1) Whenever a local planning authority exercise their powers under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.
- (2) The reference here to the designation of an area as a neighbourhood area includes the modification under section 61G(6) of a designation already made. 45

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- (3) The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.
- (4) The map published by a local planning authority under section 61G(8) must state which neighbourhood areas (if any) are for the time being designated as business areas. 5
- 61I Neighbourhood areas in areas of two or more local planning authorities**
- (1) The power to designate an area as a neighbourhood area under section 61G is exercisable by two or more local planning authorities in England if the area falls within the areas of those authorities. 10
- (2) Regulations may make provision in connection with—
- (a) the operation of subsection (1), and
  - (b) the operation of other provisions relating to neighbourhood development orders (including sections 61F to 61H) in cases where an area is designated as a neighbourhood area as a result of that subsection. 15
- (3) The regulations may in particular make provision—
- (a) modifying or supplementing the application of, or disapplying, any of the provisions mentioned in subsection (2)(b), 20
  - (b) applying (with or without modifications) any provision of Part 6 of the Local Government Act 1972 (discharge of functions) in cases where the provision would not otherwise apply, 25
  - (c) requiring local planning authorities to exercise, or not to exercise, any power conferred by any provision of that Part (including as applied by virtue of paragraph (b)), and
  - (d) conferring powers or imposing duties on local planning authorities. 30
- 61J Provision that may be made by neighbourhood development order**
- (1) A neighbourhood development order may make provision in relation to—
- (a) all land in the neighbourhood area specified in the order, 35
  - (b) any part of that land, or
  - (c) a site in that area specified in the order.
- (2) A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development. 40
- (3) For the meaning of “excluded development”, see section 61K.
- (4) A neighbourhood development order may not grant planning permission for any development in any particular case where planning permission is already granted for that development in that case. 45

- (5) A neighbourhood development order may not relate to more than one neighbourhood area.
- (6) A neighbourhood development order may make different provision for different cases or circumstances.

**61K Meaning of “excluded development”** 5

The following development is excluded development for the purposes of section 61J –

- (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
- (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description, 10
- (c) development that falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time), 15
- (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008), 20
- (e) prescribed development or development of a prescribed description, and
- (f) development in a prescribed area or an area of a prescribed description.

**61L Permission granted by neighbourhood development orders** 25

- (1) Planning permission granted by a neighbourhood development order may be granted –
- (a) unconditionally, or
- (b) subject to such conditions or limitations as are specified in the order. 30
- (2) The conditions that may be specified include –
- (a) obtaining the approval of the local planning authority who made the order but not of anyone else, and
- (b) provision specifying the period within which applications must be made to a local planning authority for the approval of the authority of any matter specified in the order. 35
- (3) Regulations may make provision entitling a parish council in prescribed circumstances to require any application for approval under subsection (2) of a prescribed description to be determined by them instead of by a local planning authority. 40
- (4) The regulations may in particular make provision –
- (a) as to the procedure to be followed by parish councils in deciding whether to determine applications for approvals (including the time by which the decisions must be made),
- (b) requiring parish councils in prescribed circumstances to cease determining applications for approvals, 45
- (c) conferring powers or imposing duties on local planning authorities,

- (d) treating parish councils as local planning authorities (instead of, or in addition to, the authorities) for the purposes of the determination of applications for approvals (subject to such exceptions or modifications in the application of any enactment as may be prescribed), 5
  - (e) applying any enactment relating to principal councils within the meaning of section 270 of the Local Government Act 1972 for those purposes (with or without modifications), and
  - (f) disapplying, or modifying the application of, any enactment relating to parish councils for those purposes. 10
- (5) A neighbourhood development order may provide for the granting of planning permission to be subject to the condition that the development begins before the end of the period specified in the order.
- (6) Regulations may make provision as to the periods that may be specified in neighbourhood development orders under subsection (5). 15
- (7) If—
- (a) planning permission granted by a neighbourhood development order for any development is withdrawn by the revocation of the order under section 61M, and 20
  - (b) the revocation is made after the development has begun but before it has been completed,
- the development may, despite the withdrawal of the permission, be completed. 25
- (8) But an order under section 61M revoking a neighbourhood development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.

#### **61M Revocation or modification of neighbourhood development orders**

- (1) The Secretary of State may by order revoke a neighbourhood development order. 30
- (2) A local planning authority may, with the consent of the Secretary of State, by order revoke a neighbourhood development order that they have made.
- (3) If a neighbourhood development order is revoked, the person revoking the order must state the reasons for the revocation. 35
- (4) A local planning authority may at any time by order modify a neighbourhood development order that they have made for the purpose of correcting errors.
- (5) If the qualifying body that initiated the process for the making of that order is still authorised at that time to act for the purposes of a neighbourhood development order in relation to the neighbourhood area concerned, the power under subsection (4) is exercisable only with that body's consent. 40
- (6) A modification of a neighbourhood development order is to be done by replacing the order with a new one containing the modification. 45

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- (7) Regulations may make provision in connection with the revocation or modification of a neighbourhood development order.
- (8) The regulations may in particular make provision –
- (a) for the holding of an examination in relation to a revocation proposed to be made by the authority, 5
  - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
  - (c) as to the award of costs by the examiner,
  - (d) as to the giving of notice and publicity in connection with a revocation or modification, 10
  - (e) as to the information and documents relating to a revocation or modification that are to be made available to the public,
  - (f) as to the making of reasonable charges for anything provided as a result of the regulations,
  - (g) as to consultation with and participation by the public in relation to a revocation, and 15
  - (h) as to the making and consideration of representations about a revocation (including the time by which representations must be made).
- 61N Legal challenges in relation to neighbourhood development orders 20**
- (1) A court may entertain proceedings for questioning a decision to act under section 61E(4) or (8) only if –
- (a) the proceedings are brought by a claim for judicial review, and
  - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day on which the decision is published. 25
- (2) A court may entertain proceedings for questioning a decision under paragraph 12 of Schedule 4B (consideration by local planning authority of recommendations made by examiner etc) only if –
- (a) the proceedings are brought by a claim for judicial review, and 30
  - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day on which the decision is published.
- (3) A court may entertain proceedings for questioning anything relating to a referendum under paragraph 14 or 15 of Schedule 4B only if – 35
- (a) the proceedings are brought by a claim for judicial review, and
  - (b) the claim form is filed during the period of 6 weeks beginning with the day on which the result of the referendum is declared. 40
- 61O Guidance**
- Local planning authorities must have regard to any guidance issued by the Secretary of State in the exercise of any function under any provision relating to neighbourhood development orders (including any function under any of sections 61F to 61H). 45

**61P Provision as to the making of certain decisions by local planning authorities**

- (1) Regulations may make provision regulating the arrangements of a local planning authority for the making of any prescribed decision under any provision relating to neighbourhood development orders (including under any of sections 61F to 61H). 5
- (2) The provision made by the regulations is to have effect despite provision made by any enactment as to the arrangements of a local planning authority for the exercise of their functions (such as section 101 of the Local Government Act 1972 or section 13 of the Local Government Act 2000). 10

**61Q Community right to build orders**

- Schedule 4C makes provision in relation to a particular type of neighbourhood development order (a community right to build order).” 15
- 3 In section 5(3) (provisions for the purposes of which the Broads Authority are the sole district planning authority) –
- (a) after “sections” insert “61E to 61Q”, and
  - (b) at the end insert “and Schedules 4B and 4C”.
- 4 In Schedule 1 (local planning authorities: distribution of functions), after paragraph 6 insert – 20
- “6A (1) This paragraph applies to the functions of local planning authorities under any of sections 61E to 61Q and Schedules 4B and 4C (neighbourhood development orders).
- (2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.” 25

PART 2

NEIGHBOURHOOD DEVELOPMENT PLANS

- 5 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 6 In section 38 (development plan) – 30
- (a) in subsection (2), omit the “and” at the end of paragraph (a) and at the end of paragraph (b) insert “, and
    - (c) the neighbourhood development plans which have been made in relation to that area.”,
  - (b) in subsection (3), at the end of paragraph (b) insert “, and
    - (c) the neighbourhood development plans which have been made in relation to that area.”,
  - (c) in subsection (5), for “to be adopted, approved or published (as the case may be)” substitute “to become part of the development plan”, and 40
  - (d) at the end insert –
- “(10) Neighbourhood development plan must be construed in accordance with section 38A.”

7 After that section insert –

**“38A Meaning of “neighbourhood development plan”**

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan. 5
- (2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in a particular neighbourhood area specified in the plan.
- (3) Schedule 4B to the principal Act, which makes provision about the process for the making of neighbourhood development orders, including – 10
- (a) provision for independent examination of orders proposed by qualifying bodies, and
- (b) provision for the holding of referendums on orders proposed by those bodies, 15
- is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of this Act).
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made – 20
- (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
- (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held. 25
- (5) If –
- (a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a neighbourhood area designated as a business area under section 61H of the principal Act), and 30
- (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan,
- the authority may (but need not) make a neighbourhood development plan to which the proposal relates.
- (6) The authority are not to be subject to the duty under subsection (4)(a) 35
- if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- (7) Regulations made by the Secretary of State may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (6). 40
- (8) The regulations may in particular make provision –
- (a) for the holding of an examination,
- (b) as to the payment by a local planning authority of remuneration and expenses of the examiner, 45
- (c) as to the award of costs by the examiner,

- (d) as to the giving of notice and publicity,
  - (e) as to the information and documents that are to be made available to the public,
  - (f) as to the making of reasonable charges for anything provided as a result of the regulations, 5
  - (g) as to consultation with and participation by the public, and
  - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (9) The authority must publish in such manner as may be prescribed – 10
- (a) their decision to act under subsection (4) or (6),
  - (b) their reasons for making that decision, and
  - (c) such other matters relating to that decision as may be prescribed.
- (10) The authority must send a copy of the matters required to be published to – 15
- (a) the qualifying body that initiated the process for the making of the plan, and
  - (b) such other persons as may be prescribed.
- (11) If a neighbourhood development plan is in force in relation to a neighbourhood area – 20
- (a) a qualifying body may make a proposal for the existing plan to be replaced by a new one, and
  - (b) the process for the making of the replacement plan is the same as the process for the making of the existing plan.
- (12) For the purposes of this section – 25
- “local planning authority” has the same meaning as it has in Part 2 (see section 37), but the Broads Authority are to be the only local planning authority for the Broads,
  - “neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act, 30
  - “prescribed” means prescribed by regulations made by the Secretary of State, and
  - “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the principal Act, as applied by section 38C of this Act. 35

### **38B Provision that may be made by neighbourhood development plans**

- (1) A neighbourhood development plan – 40
- (a) must specify the period for which it is to have effect,
  - (b) may not include provision about development that is excluded development, and
  - (c) may not relate to more than one neighbourhood area.
- (2) Only one neighbourhood development plan may be made for each neighbourhood area. 45



- 
- (3) If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- (4) Regulations made by the Secretary of State may make provision –
- (a) restricting the provision that may be included in neighbourhood development plans about the use of land, 5
  - (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
  - (c) prescribing the form of neighbourhood development plans.
- (5) A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State. 10
- (6) Section 61K of the principal Act (meaning of “excluded development”) is to apply for the purposes of subsection (1)(b).
- 38C Supplementary provisions** 15
- (1) The following provisions of the principal Act are to apply in relation to neighbourhood development plans.
- (2) The provisions to be applied are –
- (a) section 61F (authorisation to act in relation to neighbourhood areas), 20
  - (b) section 61I(2) and (3) (neighbourhood areas in areas of two or more local planning authorities),
  - (c) section 61M (revocation or modification of neighbourhood development orders),
  - (d) section 61N (legal challenges), 25
  - (e) section 61O (guidance), and
  - (f) section 61P (provision as to the making of certain decisions by local planning authorities).
- (3) Section 61M of the principal Act is to apply in accordance with subsection (2) of this section as if the words “by order” (wherever occurring) were omitted. 30
- (4) Section 61N(1) of the principal Act is to apply in accordance with subsection (2) of this section as if the reference to section 61E(4) or (8) of that Act were a reference to section 38A(4) or (6) of this Act.
- (5) Schedule 4B to the principal Act is to apply in accordance with 38A(3) of this Act with the following modifications – 35
- (a) the reference to section 61E(8) of the principal Act is to be read as a reference to section 38A(6) of this Act,
  - (b) references to the provision made by or under sections 61E(2), 61J and 61L of the principal Act are to be read as references to the provision made by or under sections 38A and 38B of this Act, 40
  - (c) references to section 61L(2)(b) or (5) of the principal Act are to be disregarded, and
  - (d) paragraph 8 is to have effect as if sub-paragraphs (2)(b) and (c) and (3) to (5) were omitted. 45

- (6) Regulations under section 61G(11) of the principal Act (designation of areas as neighbourhood areas) may include provision about the consequences of the modification of designations on proposals for neighbourhood development plans, or on neighbourhood development plans, that have already been made. 5
- (7) The fact that the list of applied provisions includes section 61N(2) and (3) of the principal Act is not to affect the operation of section 20(2) of the Interpretation Act 1978 in relation to other references to enactments applied in accordance with this section.”

SCHEDULE 10

Section 104 10

PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS

This is the Schedule to be inserted as Schedule 4B to the Town and Country Planning Act 1990—

“SCHEDULE 4B

Section 61E

PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS 15

*Proposals for neighbourhood development orders*

- 1 (1) A qualifying body is entitled to submit a proposal to a local planning authority for the making of a neighbourhood development order by the authority in relation to a neighbourhood area within the area of the authority. 20
- (2) The proposal must be accompanied by—  
(a) a draft of the order, and  
(b) a statement which contains a summary of the proposals and sets out the reasons why an order should be made in the proposed terms. 25
- (3) The proposal must—  
(a) be made in the prescribed form, and  
(b) be accompanied by other documents and information of a prescribed description.
- (4) The qualifying body must send to prescribed persons a copy of— 30  
(a) the proposal,  
(b) the draft neighbourhood development order, and  
(c) such of the other documents and information accompanying the proposal as may be prescribed.
- (5) The Secretary of State may publish a document setting standards for— 35  
(a) the preparation of a draft neighbourhood development order and other documents accompanying the proposal,  
(b) the coverage in any document accompanying the proposal of a matter falling to be dealt with in it, and 40

- 
- (c) all or any of the collection, sources, verification, processing and presentation of information accompanying the proposal.
- (6) The documents and information accompanying the proposal (including the draft neighbourhood development order) must comply with those standards. 5
- 2 (1) A qualifying body may withdraw a proposal at any time before the local planning authority make a decision under paragraph 12.
- (2) If—
- (a) a proposal by a qualifying body is made by an organisation or body designated as a neighbourhood forum, and 10
- (b) the designation is withdrawn at any time before the proposal is submitted for independent examination under paragraph 7,
- the proposal is to be treated as withdrawn by the qualifying body at that time. 15
- (3) If the withdrawal of the designation occurs after the proposal is submitted for independent examination under that paragraph, the withdrawal is not to affect the validity of the proposal.
- Advice and assistance in connection with proposals* 20
- 3 (1) A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area. 25
- (2) Nothing in this paragraph is to be read as requiring the giving of financial assistance.
- Requirements to be complied with before proposals made or considered*
- 4 (1) Regulations may make provision as to requirements that must be complied with before proposals for a neighbourhood development order may be submitted to a local planning authority or fall to be considered by a local planning authority. 30
- (2) The regulations may in particular make provision—
- (a) as to the giving of notice and publicity,
- (b) as to the information and documents that are to be made available to the public, 35
- (c) as to the making of reasonable charges for anything provided as a result of the regulations,
- (d) as to consultation with and participation by the public,
- (e) as to the making and consideration of representations (including the time by which they must be made), 40
- (f) requiring prescribed steps to be taken before a proposal of a prescribed description falls to be considered by a local planning authority, and

- (g) conferring powers or imposing duties on local planning authorities, the Secretary of State or other public authorities.

*Consideration of proposals by authority*

- 5 (1) A local planning authority may decline to consider a proposal submitted to them if they consider that it is a repeat proposal. 5
- (2) A proposal (“the proposal in question”) is a “repeat” proposal for the purposes of this paragraph if it meets conditions A and B.
- (3) Condition A is that in the period of two years ending with the date on which the proposal in question is received – 10
- (a) the authority have refused a proposal under paragraph 12 or section 61E(8) that is the same as or similar to the proposal in question, or
- (b) a referendum on an order relating to a proposal under this Schedule that is the same as or similar to the proposal in question has been held under this Schedule and half or less than half of those voting voted in favour of the order. 15
- (4) Condition B is that the local planning authority consider that there has been no significant change in relevant considerations since the refusal of the proposal or the holding of the referendum. 20
- (5) For the purposes of this paragraph “relevant considerations” means –
- (a) national policies and advice contained in guidance issued by the Secretary of State that are relevant to the draft neighbourhood development order to which the proposal in question relates, and 25
- (b) the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (6) If the authority decline to consider the proposal, they must notify the qualifying body of that fact and of their reasons for declining to consider it. 30
- 6 (1) This paragraph applies if –
- (a) a proposal has been made to a local planning authority, and
- (b) the authority have not exercised their powers under paragraph 5 to decline to consider it. 35
- (2) The authority must consider –
- (a) whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F, 40
- (b) whether the proposal by the body complies with provision made by or under that section,
- (c) whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and 45

- (d) whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.
- (3) The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L. 5
- (4) The authority must—
- (a) notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and 10
- (b) in any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

#### *Independent examination*

- 7 (1) This paragraph applies if— 15
- (a) a local planning authority have considered the matters mentioned in paragraph 6(2) and (3), and
- (b) they are satisfied that the matters mentioned there have been met or complied with.
- (2) The authority must submit for independent examination— 20
- (a) the draft neighbourhood development order, and
- (b) such other documents as may be prescribed.
- (3) The authority must make such arrangements as they consider appropriate in connection with the holding of the examination.
- (4) The authority may appoint a person to carry out the examination, but only if the qualifying body consents to the appointment. 25
- (5) If—
- (a) it appears to the Secretary of State that no person may be appointed under sub-paragraph (4), and
- (b) the Secretary of State considers that it is expedient for an appointment to be made under this sub-paragraph, 30
- the Secretary of State may appoint a person to carry out the examination.
- (6) The person appointed must be someone who, in the opinion of the person making the appointment— 35
- (a) is independent of the qualifying body and the authority,
- (b) does not have an interest in any land that may be affected by the draft order, and
- (c) has appropriate qualifications and experience.
- (7) The Secretary of State or another local planning authority may enter into arrangements with the authority for the provision of the services of any of their employees as examiners. 40
- (8) Those arrangements may include—

- (a) provision requiring payments to be made by the authority to the Secretary of State or other local planning authority, and
  - (b) other provision in relation to those payments and other financial matters. 5
- 8 (1) The examiner must consider the following –
  - (a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),
  - (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L, 10
  - (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,
  - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and 15
  - (e) such other matters as may be prescribed.
- (2) A draft order meets the basic conditions if –
  - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order, 20
  - (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
  - (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order, 25
  - (d) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area), 30
  - (e) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
  - (f) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order. 35
- (3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.
- (4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area. 40
- (5) In this paragraph “listed building” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights). 45

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- 9 (1) The general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations.
- (2) But the examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue at the hearing— 5
- (a) in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case, or 10
- (b) in such other cases as may be prescribed.
- (3) The following persons are entitled to make oral representations about the issue at the hearing—
- (a) the qualifying body,
- (b) the local planning authority, 15
- (c) where the hearing is held to give a person a fair chance to put a case, that person, and
- (d) such other persons as may be prescribed.
- (4) The hearing must be in public.
- (5) It is for the examiner to decide how the hearing is to be conducted, including— 20
- (a) whether a person making oral representations may be questioned by another person and, if so, the matters to which the questioning may relate, and
- (b) the amount of time for the making of a person’s oral representations or for any questioning by another person. 25
- (6) In making decisions about the questioning of a person’s oral representations by another, the examiner must apply the principle that the questioning should be done by the examiner except where the examiner considers that questioning by another is necessary to ensure— 30
- (a) adequate examination of a particular issue, or
- (b) a person has a fair chance to put a case.
- (7) Sub-paragraph (5) is subject to regulations under paragraph 11.
- 10 (1) The examiner must make a report on the draft order containing recommendations in accordance with this paragraph (and no other recommendations). 35
- (2) The report must recommend either—
- (a) that the draft order is submitted to a referendum, or
- (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or 40
- (c) that the proposal for the order is refused.
- (3) The only modifications that may be recommended are— 45
- (a) modifications that the examiner considers need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),

- (b) modifications that the examiner considers need to be made to secure that the draft order is compatible with the Convention rights,
  - (c) modifications that the examiner considers need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L, 5
  - (d) modifications specifying a period under section 61L(2)(b) or (5), and
  - (e) modifications for the purpose of correcting errors.
- (4) The report may not recommend that an order (with or without modifications) is submitted to a referendum if the examiner considers that the order does not – 10
  - (a) meet the basic conditions mentioned in paragraph 8(2), or
  - (b) comply with the provision made by or under sections 61E(2), 61J and 61L. 15
- (5) If the report recommends that an order (with or without modifications) is submitted to a referendum, the report must also make –
  - (a) a recommendation as to whether the area for the referendum should extend beyond the neighbourhood area to which the order relates, and 20
  - (b) if a recommendation is made for an extended area, a recommendation as to what the extended area should be.
- (6) The report must –
  - (a) give reasons for each of its recommendations, and 25
  - (b) contain a summary of its main findings.
- (7) The examiner must send a copy of the report to the qualifying body and the local planning authority.
- (8) The local planning authority must then arrange for the publication of the report in such manner as may be prescribed. 30
- 11 (1) Regulations may make provision in connection with examinations under paragraph 7.
- (2) The regulations may in particular make provision as to –
  - (a) the giving of notice and publicity in connection with an examination, 35
  - (b) the information and documents relating to an examination that are to be made available to the public,
  - (c) the making of reasonable charges for anything provided as a result of the regulations,
  - (d) the making of written or oral representations in relation to draft neighbourhood development orders (including the time by which written representations must be made), 40
  - (e) the written representations which are to be, or which may be or may not be, considered at an examination,
  - (f) the refusal to allow oral representations of a prescribed description to be made at a hearing, 45
  - (g) the procedure to be followed at an examination (including the procedure to be followed at a hearing),



- (h) the payment by a local planning authority of remuneration and expenses of the examiner, and
- (i) the award of costs by the examiner.

*Consideration by authority of recommendations made by examiner etc*

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|----|--|----|
| 12 | (1) This paragraph applies if an examiner has made a report under paragraph 10.  | 5  |
|    | (2) The local planning authority must—   |    |
|    | (a) consider each of the recommendations made by the report (and the reasons for them), and  |    |
|    | (b) decide what action to take in response to each recommendation.   | 10 |
|    | (3) The authority must also consider such other matters as may be prescribed.  |    |
|    | (4) If the authority are satisfied—  |    |
|    | (a) that the draft order meets the basic conditions mentioned in paragraph 8(2), is compatible with the Convention rights and complies with the provision made by or under sections 61E(2), 61J and 61L, or      | 15 |
|    | (b) that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order (whether or not recommended by the examiner), | 20 |
|    | a referendum in accordance with paragraph 14, and (if applicable) an additional referendum in accordance with paragraph 15, must be held on the making by the authority of a neighbourhood development order.    | 25 |
|    | (5) The order on which the referendum is (or referendums are) to be held is the draft order subject to such modifications (if any) as the authority consider appropriate.  |    |
|    | (6) The only modifications that the authority may make are—  | 30 |
|    | (a) modifications that the authority consider need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),   |    |
|    | (b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights,   | 35 |
|    | (c) modifications that the authority consider need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,  |    |
|    | (d) modifications specifying a period under section 61L(2)(b) or (5), and  | 40 |
|    | (e) modifications for the purpose of correcting errors.  |    |
|    | (7) The area in which the referendum is (or referendums are) to take place must, as a minimum, be the neighbourhood area to which the proposed order relates.  | 45 |
|    | (8) If the authority consider it appropriate to do so, they may extend the area in which the referendum is (or referendums are) to take  |    |

- place to include other areas (whether or not those areas fall wholly or partly outside the authority’s area).
- (9) If the authority decide to extend the area in which the referendum is (or referendums are) to take place, they must publish a map of that area. 5
- (10) In any case where the authority are not satisfied as mentioned in sub-paragraph (4), they must refuse the proposal.
- (11) The authority must publish in such manner as may be prescribed – 10
- (a) the decisions they make under this paragraph,
  - (b) their reasons for making those decisions, and
  - (c) such other matters relating to those decisions as may be prescribed.
- (12) The authority must send a copy of the matters required to be published to – 15
- (a) the qualifying body, and
  - (b) such other persons as may be prescribed.
- 13 (1) If – 20
- (a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and
  - (b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,
- the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. 25
- (2) If the authority consider it appropriate to do so, they may refer the issue to independent examination.
- (3) Regulations may make provision about examinations under this paragraph (and the regulations may include any provision of a kind mentioned in paragraph 11(2)). 30
- (4) This paragraph does not apply in relation to recommendations in relation to the area in which a referendum is to take place.

### *Referendum*

- 14 (1) This paragraph makes provision in relation to a referendum that, as a result of paragraph 12(4), must be held on the making of a neighbourhood development order. 35
- (2) A relevant council must make arrangements for the referendum to take place in so much of their area as falls within the area (“the referendum area”) in which the referendum is to take place (as determined under paragraph 12(7) and (8)). 40
- This sub-paragraph is subject to regulations under paragraph 16(2)(b).
- (3) A “relevant council” means – 45
- (a) a district council,

- 
- (b) a London borough council,
  - (c) a metropolitan district council, or
  - (d) a county council in relation to any area in England for which there is no district council.
- (4) A person is entitled to vote in the referendum if on the prescribed date – 5
- (a) the person is entitled to vote in an election of any councillors of a relevant council any of whose area is in the referendum area, and
  - (b) the person’s qualifying address for the election is in the referendum area. 10
- (5) Sub-paragraph (4) does not apply in relation to so much of the referendum area as falls within the City of London.
- (6) In that case a person is entitled to vote in the referendum if on the prescribed date – 15
- (a) the person is entitled to vote in an Authority election, and
  - (b) the person’s qualifying address for the election is in the City of London.
- (7) For the purposes of this paragraph – 20
- (a) “Authority election” has the same meaning as in the Representation of the People Act 1983 (see section 203(1)),
  - (b) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London, and
  - (c) “qualifying address” has the same meaning as in the Representation of the People Act 1983 (see section 9). 25
- 15 (1) The additional referendum mentioned in paragraph 12(4) must be held on the making of a neighbourhood development order if the draft order relates to a neighbourhood area that has been designated as a business area under section 61H.
- (2) Sub-paragraph (2) of paragraph 14 is to apply in relation to the additional referendum as it applies in relation to a referendum under that paragraph. 30
- (3) A person is entitled to vote in the additional referendum if on the prescribed date – 35
- (a) the person is a non-domestic ratepayer in the referendum area, or
  - (b) the person meets such other conditions as may be prescribed.
- (4) “Non-domestic ratepayer” has the same meaning as in Part 4 of the Local Government Act 2003 (see section 59(1)). 40
- (5) Regulations may make provision for excluding a person’s entitlement to vote in the additional referendum.
- 16 (1) Regulations may make provision about referendums held under paragraph 14 or 15.
- (2) The regulations may in particular make provision – 45

- |     |  |    |
|-----|--|----|
| (a) | dealing with any case where there are two or more relevant councils any of whose areas fall within the referendum area,  |    |
| (b) | for only one relevant council to be subject to the duty to make arrangements for the referendum in a case within paragraph (a),  | 5  |
| (c) | prescribing a date by which the referendum must be held or before which it cannot be held,   |    |
| (d) | as to the question to be asked in the referendum and any explanatory material in relation to that question (including provision conferring power on a local planning authority to set the question and provide that material), | 10 |
| (e) | as to the publicity to be given in connection with the referendum,   |    |
| (f) | about the limitation of expenditure in connection with the referendum,   | 15 |
| (g) | as to the conduct of the referendum,   |    |
| (h) | as to when, where and how voting in the referendum is to take place,   |    |
| (i) | as to how the votes cast are to be counted,  | 20 |
| (j) | about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a neighbourhood development order, and  |    |
| (k) | about the combination of polls at a referendum held under paragraph 14 or 15 with polls at another referendum or at any election.  | 25 |
| (3) | The regulations may apply or incorporate, with or without modifications, any provision made by or under any enactment relating to elections or referendums.  | 30 |
| (4) | But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.      |    |
| (5) | Before making the regulations, the Secretary of State must consult the Electoral Commission.   | 35 |
| (6) | In this paragraph “enactment” means an enactment, whenever passed or made.   |    |

*Interpretation*

- |    |   |    |
|----|---|----|
| 17 | In this Schedule—   | 40 |
|    | “the Convention rights” has the same meaning as in the Human Rights Act 1998, and   |    |
|    | “development plan”—   |    |
|    | (a) includes a development plan for the purposes of paragraph 1 of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (transitional provisions), but | 45 |

- (b) does not include so much of a development plan as consists of a neighbourhood development plan under section 38A of that Act.”

## SCHEDULE 11

Section 104

## NEIGHBOURHOOD PLANNING: COMMUNITY RIGHT TO BUILD ORDERS 5

This is the Schedule to be inserted as Schedule 4C to the Town and Country Planning Act 1990 –

## “SCHEDULE 4C

Section 61Q

## COMMUNITY RIGHT TO BUILD ORDERS

*Introduction* 10

- 1 (1) This Schedule makes special provision about a particular type of neighbourhood development order, which is to be known as a “community right to build order”.
- (2) In their application to community right to build orders, the provisions of this Act relating to neighbourhood development orders have effect subject to the provision made by or under this Schedule. 15
- (3) In its application to community organisations, section 61G (meaning of “neighbourhood area”) has effect subject to the provision made by this Schedule. 20

*Meaning of “community right to build order”*

- 2 (1) A neighbourhood development order is a community right to build order if –
- (a) the order is made pursuant to a proposal made by a community organisation, 25
- (b) the order grants planning permission for specified development in relation to a specified site in the specified neighbourhood area, and
- (c) the specified development does not exceed prescribed limits. 30
- (2) Regulations under sub-paragraph (1)(c) may prescribe a limit by reference to –
- (a) the area in which the development is to take place,
- (b) the number or type of operations or uses of land constituting the development, or 35
- (c) any other factor.
- (3) In this paragraph “specified” means specified in the community right to build order.

*Meaning of “community organisation”*

- 3 (1) For the purposes of this Schedule a “community organisation” is a body corporate –
- (a) which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and 5
  - (b) which meets such other conditions in relation to its establishment or constitution as may be prescribed.
- (2) Regulations under sub-paragraph (1)(b) may make provision in relation to – 10
- (a) the distribution of profits made by the body to its members,
  - (b) the distribution of the assets of the body (in the event of its winding up or in any other circumstances), 15
  - (c) the membership of the body, and
  - (d) the control of the body (whether by the exercise of voting rights or otherwise).

*Proposals by community organisations for community right to build orders*

- 4 (1) A community organisation is authorised for the purposes of a community right to build order to act in relation to a neighbourhood area (whether or not any part of the neighbourhood area falls within the area of a parish council) if – 20
- (a) the area mentioned in paragraph 3(1)(a) consists of or includes the neighbourhood area, and 25
  - (b) at the time the proposal for the order is made more than half of the members of the organisation live in the neighbourhood area.
- (2) Accordingly, the community organisation is in that case to be regarded as a qualifying body for the purposes of section 61E. 30
- (3) Nothing in section 61F is to apply in relation to community right to build orders except subsections (12)(a) and (13)(d) of that section.
- (4) In particular, the reference in section 61F(10) to a neighbourhood development order is not to include a reference to a community right to build order (in a case where a community organisation is also a neighbourhood forum). 35
- (5) But a local planning authority may decline to consider a proposal for a community right to build order or other neighbourhood development order if – 40
- (a) another proposal has been made for a community right to build order or other neighbourhood development order,
  - (b) the other proposal is outstanding, and
  - (c) the authority consider that the development and site to which the proposals relate are the same or substantially the same. 45

- (6) If the authority decline to consider the proposal, they must notify the person making the proposal of that fact and of their reasons for declining to consider it.
- (7) A proposal for a community right to build order must state that the proposal is for such an order. 5
- 5 (1) A community organisation is to be regarded as a relevant body for the purposes of section 61G if –
- (a) the area specified in the application made by the organisation consists of or includes the area mentioned in paragraph 3(1)(a), and 10
- (b) at the time the application is made more than half of the members of the organisation live in the area specified in the application.
- (2) The application made by the community organisation may specify any area within the local planning authority’s area, irrespective of whether or not any part of the specified area falls within the area of a parish council. 15
- (3) This paragraph applies only if the application by the community organisation under section 61G is made in connection with a proposal (or an anticipated proposal) for a community right to build order. 20

*Development likely to have significant effects on environment etc*

- 6 (1) A local planning authority must decline to consider a proposal for a community right to build order if they consider that –
- (a) the specified development falls within Annex 2 to the EIA directive and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, or 25
- (b) the specified development is likely to have significant effects on a qualifying European site (whether alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site. 30
- (2) In determining whether or not the specified development is within sub-paragraph (1)(a), the authority must take into account any relevant criteria mentioned in Annex 3 to the EIA directive. 35
- (3) If the authority decline to consider the proposal as a result of sub-paragraph (1), they must notify the community organisation making the proposal of that fact and of their reasons for declining to consider it. 40
- (4) Regulations may make provision requiring the publication of any decisions made by a local planning authority under this paragraph.
- (5) In this paragraph – 45
- “the EIA directive” means Council Directive 85/337/EEC on the assessment of the effects of certain public and private

- projects on the environment (as amended from time to time),
- “qualifying European site” means –
- (a) a European offshore marine site within the meaning of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007, or 5
- (b) a European site within the meaning of the Conservation of Habitats and Species Regulations 2010, and
- “specified” means specified in the community right to build order. 10

*Examination of proposals for community right to build orders etc*

- 7 The provisions of Schedule 4B have effect in relation to community right to build orders with the following modifications.
- 8 Any reference in that Schedule to section 61E(2) includes a reference to paragraph 2 of this Schedule. 15
- 9 Any reference in that Schedule to section 61F includes a reference to paragraph 4 of this Schedule.
- 10 (1) The provision made by sub-paragraphs (2) to (5) of this paragraph is to have effect instead of paragraph 12(4) to (6) and (10) of that Schedule. 20
- (2) If the examiner’s report recommends that the draft order is refused, the authority must refuse the proposal.
- (3) If the examiner’s report recommends that the draft order is submitted to a referendum (with or without modifications), a referendum in accordance with paragraph 14 of that Schedule must be held on the making by the authority of a community right to build order. 25
- (4) The order on which the referendum is to be held is the order that the examiner’s report recommended be submitted to a referendum subject to such modifications (if any) as the authority consider appropriate. 30
- (5) The only modifications that the authority may make are –
- (a) modifications that the authority consider need to be made to secure that the order does not breach, and is otherwise compatible with, EU obligations, 35
- (b) modifications that the authority consider need to be made to secure that the order is compatible with the Convention rights (within the meaning of the Human Rights Act 1998), and 40
- (c) modifications for the purpose of correcting errors.
- (6) In consequence of the provision made by sub-paragraphs (2) to (5) of this paragraph –
- (a) paragraph 12(7) to (9) of Schedule 4B have effect as if the words “(or referendums are)” were omitted, and 45



- (b) that Schedule has effect as if paragraph 15 (and references to that paragraph) were omitted.
- (7) Any reference in this Act or any other enactment to paragraph 12 of Schedule 4B includes a reference to that paragraph as modified in accordance with this paragraph. 5
- Use of land*
- 11 (1) Regulations may make provision for securing that in prescribed circumstances –
- (a) an enfranchisement right is not exercisable in relation to land the development of which is authorised by a community right to build order, or 10
- (b) the exercise of an enfranchisement right in relation to that land is subject to modifications provided for by the regulations.
- (2) Each of the following is an “enfranchisement right” – 15
- (a) the right under Part 1 of the Leasehold Reform Act 1967 to acquire the freehold of a house (enfranchisement),
- (b) the right under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats), and 20
- (c) the right under section 180 of the Housing and Regeneration Act 2008 (right to acquire social housing).
- (3) The regulations may –
- (a) confer discretionary powers on the Secretary of State, a community organisation or any other specified person, and 25
- (b) require notice to be given in any case where, as a result of the regulations, an enfranchisement right is not exercisable or is exercisable subject to modifications.
- Different provision made by regulations for community right to build orders* 30
- 12 (1) The provision that may be made by regulations under any provision of this Act relating to neighbourhood development orders includes different provision in relation to community right to build orders.
- (2) Sub-paragraph (1) is not to be read as limiting in any way the generality of section 333(2A) (which provides that regulations may make different provision for different purposes).” 35

## SCHEDULE 12

Section 109

## NEIGHBOURHOOD PLANNING: CONSEQUENTIAL AMENDMENTS

*Town and Country Planning Act 1990* 40

- 1 The Town and Country Planning Act 1990 is amended as follows.

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- 2 In section 56(3) (time when development begun) –  
 (a) after “sections” insert “61L(5) and (7),” and  
 (b) for “and 94” substitute “, 94 and 108(3E)(c)(i)”.
- 3 In section 57(3) (extent of permission granted by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 5
- 4 In section 58(1)(a) (grant of planning permission by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 5 In section 62 (applications for planning permission), after subsection (2) insert – 10  
 “(2A) In subsections (1) and (2) references to applications for planning permission include references to applications for approval under section 61L(2).”
- 6 In section 65 (notice etc of applications for planning permission), after subsection (3) insert – 15  
 “(3A) In subsections (1) and (3) references to any application for planning permission or any applicant for such permission include references to any application for approval under section 61L(2) or any applicant for such approval.” 20
- 7 (1) Section 69 (register of applications etc) is amended as follows.  
 (2) In subsection (1), after paragraph (c) insert –  
 “(ca) neighbourhood planning matters;”  
 (3) In subsection (2)(b), after “order” insert “, neighbourhood planning matter”.  
 (4) After subsection (2) insert – 25  
 “(2A) For the purposes of subsections (1) and (2) “neighbourhood planning matters” means –  
 (a) neighbourhood development orders;  
 (b) neighbourhood development plans (made under section 38A of the Planning and Compulsory Purchase Act 2004); and 30  
 (c) proposals for such orders or plans.”
- 8 (1) Section 71 (consultations in connection with determinations under s.70) is amended as follows.  
 (2) After subsection (2) insert –  
 “(2ZA) In subsections (1) and (2) references to an application for planning permission include references to an application for approval under section 61L(2).” 35  
 (3) After subsection (3) insert –  
 “(3A) Subsection (3) does not apply in relation to planning permission granted by a neighbourhood development order.” 40
- 9 In section 74 (directions etc as to method of dealing with applications), after

- subsection (1) insert –
- “(1ZA) In subsection (1) –
- (a) in paragraph (c) the reference to planning permission for any development includes a reference to an approval under section 61L(2), and 5
  - (b) in paragraph (f) references to applications for planning permission include references to applications for approvals under section 61L(2).”
- 10 In section 77(1) (certain applications to be referred to the Secretary of State), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 10
- 11 In section 78(1)(c) (right of appeal in relation to certain planning directions), for “or a local development order” substitute “, a local development order or a neighbourhood development order”.
- 12 In section 88(9) (grant of planning permission in enterprise zone), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 15
- 13 In section 91(4)(a) (no limit to duration of planning permission granted by development order), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 20
- 14 In section 94(1) (termination of planning permission by reference to time limit: completion notices), at the end of paragraph (c) insert “, or
- (d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed.” 25
- 15 (1) Section 108 (compensation for refusal or conditional grant of planning permission formerly granted by development order or local development order) is amended as follows. 30
- (2) In subsection (1) –
- (a) in paragraph (a), for “or a local development order” substitute “, a local development order or a neighbourhood development order”, and 35
  - (b) in the words after paragraph (b), for “or a local development order” substitute “, the local development order or the neighbourhood development order”.
- (3) In subsection (2), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 40
- (4) In subsection (3B), at the end insert –
- “(c) in the case of planning permission granted by a neighbourhood development order, the condition in subsection (3E) is met.”
- (5) After subsection (3D) insert – 45
- “(3E) The condition referred to in subsection (3B)(c) is that –

- (a) the planning permission is withdrawn by the revocation of the neighbourhood development order,
  - (b) notice of the revocation was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation took effect, and 5
  - (c) either –
    - (i) the development authorised by the neighbourhood development order had not begun before the notice was published, or
    - (ii) section 61L(7) applies in relation to the development.” 10
- (6) In the title, for “**or a local development order**” substitute “, **local development order or neighbourhood development order**”.
- 16 In section 109(6) (apportionment of compensation for depreciation), in the definition of “relevant planning permission”, for “or a local development order” substitute “, the local development order or the neighbourhood development order”. 15
- 17 In section 171H(1)(a) (temporary stop notice: compensation), for “a development order or local development order” substitute “by a development order, a local development order or a neighbourhood development order”. 20
- 18 In section 197 (planning permission to include appropriate provision for preservation and planting of trees), at the end insert –  
“Nothing in this section applies in relation to neighbourhood development orders.”
- 19 In section 253(2)(c) (cases in which certain procedures may be carried out in anticipation of planning permission), for “or a local development order” substitute “, a local development order or a neighbourhood development order”. 25
- 20 In section 264(5) (land treated not as operational land) –
  - (a) in paragraph (b), omit “or a local development order”, and 30
  - (b) after paragraph (c) (but before the “or” at the end of the paragraph) insert –
    - “(ca) granted by a local development order or a neighbourhood development order;”.
- 21 (1) Section 324 (rights of entry) is amended as follows. 35
  - (2) In subsection (1), after paragraph (a) insert –
    - “(aa) the preparation, making, modification or revocation of a neighbourhood development plan under Part 3 of that Act;”.
  - (3) After that subsection insert –
    - “(1A) For the purposes of subsection (1)(c) the reference to a proposal by the local planning authority to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the authority for the making by them of a neighbourhood development order.” 40
- 22 In paragraph 1A of Schedule 13 (blighted land: land allocated for public authority functions in development plans etc) – 45

(a)	after “for the area in which the land is situated” insert “or by a neighbourhood development plan for the area in which the land is situated”,	
(b)	after Note (2) insert –	
	“(2A) For the purposes of this paragraph a neighbourhood development plan includes a draft of a neighbourhood development plan which has been submitted for examination under paragraph 7(2) of Schedule 4B (as applied by section 38A(3) of the 2004 Act).”, and	5
(c)	after Note (5) insert –	10
	“(6) Note (2A) does not apply if the proposal for the draft plan is withdrawn under paragraph 2 of Schedule 4B (as applied by section 38A(3) of the 2004 Act) at any time after the draft plan has been submitted for examination.”	
<i>Planning (Listed Buildings and Conservation Areas) Act 1990</i>		15
23	The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.	
24	In section 66 (general duty as respects listed buildings in exercise of planning functions), at the end insert –	
	“(4) Nothing in this section applies in relation to neighbourhood development orders.”	20
25	In section 72 (general duty as respects conservation areas in exercise of planning functions), at the end insert –	
	“(4) Nothing in this section applies in relation to neighbourhood development orders.”	25
<i>Planning and Compulsory Purchase Act 2004</i>		
26	The Planning and Compulsory Purchase Act 2004 is amended as follows.	
27	In section 18 (statement of community involvement), after subsection (2) insert –	
	“(2A) The reference in subsection (2) to functions under Part 3 of the principal Act does not include functions under any provision of that Act relating to neighbourhood development orders (including any function under any of sections 61F to 61H).”	30
28	In section 40(2) (local development orders), omit paragraphs (b) to (k).	
29	In section 116(2)(b) (Isles of Scilly), after “Part 2” insert “or 3”.	35
<i>Housing and Regeneration Act 2008</i>		
30	In section 13(5) of the Housing and Regeneration Act 2008 (power of Secretary of State to make designation orders) –	
	(a) in paragraph (a) of the definition of “local planning authority”, after “Part 2” insert “or 3”, and	40
	(b) in paragraph (c) of the definition of “permitted purposes”, after “Part 2” insert “or 3”.	

## SCHEDULE 13

Section 116

## INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

## PART 1

## AMENDMENTS OF THE PLANNING ACT 2008

5

*Introductory*

- 1 The Planning Act 2008 is amended as follows.

*Abolition of Infrastructure Planning Commission*

- 2 Omit sections 1 to 3 and Schedule 1 (establishment and governance of Commission and conduct and interests of Commissioners). 10

*Fees*

- 3 (1) Amend section 4 (regulations setting fees for performance of Commission's functions) as follows.
- (2) In subsection (1) for "charging of fees by the Commission in connection with the performance of any of its functions" substitute "charging of fees by the Secretary of State in connection with the performance of any of the Secretary of State's major-infrastructure functions". 15
- (3) In subsection (3) (power to set fees calculated by reference to costs incurred) –
- (a) for "incurred by the Commission" substitute "incurred by the Secretary of State", and 20
- (b) for "its functions" (in both places) substitute "the Secretary of State's major-infrastructure functions".
- (4) After subsection (3) insert –
- "(4) In this section "the Secretary of State's major-infrastructure functions" means – 25
- (a) the Secretary of State's functions under Parts 2 to 8 and under Part 12 so far as applying for the purposes of those Parts,
- (b) the giving of advice to which section 51 applies, and
- (c) the Secretary of State's functions, in relation to proposed applications for orders granting development consent, under statutory provisions implementing – 30
- (i) Council Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, as amended from time to time, or 35
- (ii) provisions of an EU instrument which from time to time replace provisions of that Directive.
- (5) In subsection (4)(c) "statutory provision" means a provision of an Act or of an instrument made under an Act."
- (5) In the heading of Part 1 for "The Infrastructure Planning Commission" substitute "Infrastructure planning: fees". 40

*Directions referring applications for other consents to Commission*

- 4 In section 35(6) (relevant authority must refer application to Commission) for “Commission” substitute “Secretary of State”.

*Applications for orders granting development consent*

- 5 (1) Amend section 37 (applications to be made to Commission, which may give guidance about their contents and set standards for them) as follows. 5  
 (2) For “Commission” (in each place) substitute “Secretary of State”.  
 (3) In subsection (6) for “it” substitute “the Secretary of State”.

*Model provisions for incorporation in draft orders*

- 6 Omit section 38 (Secretary of State may prescribe non-compulsory model provisions). 10

*Register of applications*

- 7 (1) Amend section 39 (Commission to maintain and give access to register of applications) as follows.  
 (2) For “Commission” (in each place) substitute “Secretary of State”. 15  
 (3) In subsections (1) and (2) for “it” substitute “the Secretary of State”.

*Notification of proposed application*

- 8 (1) Amend section 46 (duty to notify Commission of proposed application) as follows.  
 (2) In subsection (1) for “Commission” (in each place) substitute “Secretary of State”. 20  
 (3) In the heading for “Commission” substitute “Secretary of State”.

*Guidance about pre-application procedure*

- 9 In section 50(2) (guidance may be issued by Commission or Secretary of State) omit “the Commission or”. 25

*Advice for potential applicants and others*

- 10 (1) Section 51 (giving of advice by Commission and disclosure of advice and requests for advice) is amended as follows.  
 (2) In subsection (1) for “The Commission may give advice to an applicant or potential applicant, or to others,” substitute “This section applies to advice”. 30  
 (3) For subsections (2) to (4) substitute –  
 “(3) The Secretary of State may by regulations make provision about the giving of advice to which this section applies.  
 (4) In particular, regulations under subsection (3) may make provision that has the effect that – 35

- (a) a request for advice made by an applicant, potential applicant or other person, or
  - (b) advice given to an applicant, potential applicant or other person,
- must be, or may be, disclosed by the Secretary of State to other persons or to the public generally.” 5

*Information about, and entry onto, land*

- 11 In section 52(2) and (4) (authorisation by Commission to serve notice requiring names and addresses of persons with interests in land) for “Commission” substitute “Secretary of State”. 10
- 12 (1) Amend section 53 (rights of entry) as follows.
- (2) In subsections (1) and (2) (Commission may authorise entry) for “Commission” (in each place) substitute “Secretary of State”.
- (3) In subsection (4)(c) for “Commission’s” substitute “Secretary of State’s”.

*Acceptance of applications*

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- 13 (1) Amend section 55 (acceptance by Commission of applications) as follows.
- (2) For “Commission” (in each place) substitute “Secretary of State”.
- (3) In subsections (2), (4) and (6) for “it” (in each place) substitute “the Secretary of State”.
- (4) In subsection (7) – 20
- (a) for “it cannot accept the application, it” substitute “the application cannot be accepted, the Secretary of State”, and
  - (b) in paragraph (b) for “its” substitute “the Secretary of State’s”.
- 14 In section 56 (if Commission accepts application, applicant to notify deadline for receipt by Commission of representations) for “Commission” (in each place) substitute “Secretary of State”. 25
- 15 In section 58(1) and (2) (applicant must certify to Commission that section 56 has been complied with) for “Commission” substitute “Secretary of State”.
- 16 In section 59(1) and (2) (applicant must notify Commission of persons affected by any request to authorise compulsory acquisition) for “Commission” substitute “Secretary of State”. 30
- 17 (1) Amend section 60 (Commission’s duty to seek local impact reports) as follows.
- (2) For “Commission” (in each place) substitute “Secretary of State”.
- (3) In subsection (2) for “to it” substitute “to the Secretary of State”. 35

*Deciding how application is to be handled*

- 18 (1) Amend section 61 (initial choice of Panel or single Commissioner) as follows.
- (2) In subsection (1) (which refers to acceptance of an application by the Commission) for “Commission” substitute “Secretary of State”.



- (3) For subsections (2) to (5) (person appointed to chair Commission must make initial choice after consultation within the Commission and having regard to Secretary of State’s guidance) substitute –
- “(2) The Secretary of State must decide whether the application –
- (a) is to be handled by a Panel under Chapter 2, or 5
- (b) is to be handled by a single appointed person under Chapter 3.
- (3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).”
- (4) In the heading for “Commissioner” substitute “appointed person”. 10
- 19 (1) Amend section 62 (switching from single Commissioner to Panel) as follows.
- (2) In subsection (1), and in the heading, for “Commissioner” substitute “appointed person”.
- (3) For subsections (2) to (5) (person appointed to chair Commission may make switch after consultation within the Commission and having regard to the Secretary of State’s guidance) substitute – 15
- “(2) The Secretary of State may decide that the application should instead be handled by a Panel under Chapter 2.
- (3) The Secretary of State must publish the criteria that are to be applied in making decisions under subsection (2).” 20

*Delegation of functions conferred on person appointed to chair Commission*

- 20 Omit section 63 (power for Commission’s chair to delegate functions under Part 6 to a deputy).

*Handling of applications by a Panel*

- 21 In section 64(1)(a) (which refers to an application accepted by the Commission) for “Commission” substitute “Secretary of State”. 25
- 22 (1) Amend section 65 (appointment of members, and lead member, of Panel) as follows.
- (2) For subsection (1) (Commission chair must appoint Panel and Panel chair) substitute – 30
- “(1) The Secretary of State must appoint –
- (a) three, four or five persons to be members of the Panel, and
- (b) one of those persons to chair the Panel.”
- (3) Omit subsections (3) to (5) (self-appointments, and duty to consult within the Commission before making appointments). 35
- 23 (1) Amend section 66 (ceasing to be member, or lead member, of Panel) as follows.
- (2) Omit subsection (1) (generally, person ceases to be Panel member on ceasing to be a Commissioner).

- (3) In subsections (3) and (4) (member, or lead member, may resign by notice to Commission) for “Commission” substitute “Secretary of State”.
- (4) In subsection (5) (Commission chair may remove Panel member or lead member) –
- (a) for “person appointed to chair the Commission (“the chair”)” substitute “Secretary of State”, and 5
- (b) in paragraphs (a) and (b) for “chair” substitute “Secretary of State”.
- 24 Omit section 67 (Panel member continuing though ceasing to be Commissioner).
- 25 (1) Amend section 68 (additional appointments to Panel) as follows. 10
- (2) For subsection (2) (Commission chair may appoint additional Panel member) substitute –
- “(2) The Secretary of State may appoint a person to be a member of the Panel, but this power may not be exercised so as to cause the Panel to have more than five members.” 15
- (3) In subsection (3) (Commission chair must ensure Panel continues to have at least three members) for “person appointed to chair the Commission” substitute “Secretary of State”.
- (4) Omit subsection (5) (self-appointments).
- 26 (1) Amend section 69 (replacement of lead member of Panel) as follows. 20
- (2) In subsection (2) (Commission chair must make appointment to fill vacancy in office of lead member) for “person appointed to chair the Commission” substitute “Secretary of State”.
- (3) Omit subsection (4) (self-appointments).
- 27 Omit section 70 (membership of Panel where application relates to land in Wales). 25
- 28 (1) Amend section 71 (supplementary provision where Panel replaces single Commissioner) as follows.
- (2) In subsection (2) (single Commissioner may be appointed member, or member and lead member, of Panel) for “A Commissioner who has handled the application under Chapter 3” substitute “An appointed person”. 30
- (3) In subsection (3) (power to treat things done by or to single Commissioner as done by or to Panel) for “a Commissioner” substitute “an appointed person”.
- (4) After subsection (4) insert – 35
- “(5) In this section “appointed person” means a person appointed to handle the application under Chapter 3.”
- (5) In the heading for “Commissioner” substitute “appointed person”.
- 29 (1) Amend section 74 (Panel to decide, or make recommendations in respect of, application) as follows. 40
- (2) Omit subsection (1) (cases in which Panel has function of deciding application).

- (3) In subsection (2) (cases in which Panel has function of examining application and reporting on it to the Secretary of State) for “In any other case, the Panel” substitute “The Panel”.
- (4) Omit subsection (4) (duty of Commission staff to give support to Panel).
- Single-Commissioner procedure to become single-appointed-person procedure* 5
- 30 (1) Amend section 78 (single Commissioner to handle application) as follows.
- (2) In subsection (1)(a) (which refers to an application accepted by the Commission) for “Commission” substitute “Secretary of State”.
- (3) In subsection (1)(b) (which refers to decision that application be handled by a single Commissioner) for “Commissioner” substitute “appointed person”. 10
- (4) In subsection (2) (meaning of “the single Commissioner”) for “Commissioner” substitute “appointed person”.
- (5) In the heading, and in the italic heading immediately preceding the section, for “Commissioner” substitute “appointed person”.
- (6) In the heading of Chapter 3 of Part 6 for “SINGLE-COMMISSIONER” substitute “SINGLE-APPOINTED-PERSON”. 15
- 31 For section 79 (Commission chair must appoint single Commissioner) substitute –
- “79 Appointment of single appointed person**
- The Secretary of State must appoint a person to handle the application.” 20
- 32 (1) Amend section 80 (person ceasing to be single Commissioner) as follows.
- (2) Omit subsection (1) (generally, person ceases to be single Commissioner on ceasing to be a Commissioner).
- (3) In subsection (2) (single Commissioner may resign by notice to Commission) – 25
- (a) for “Commissioner” substitute “appointed person”, and
- (b) for “Commission” substitute “Secretary of State”.
- (4) In subsection (3) (Commission chair may remove single Commissioner) – 30
- (a) for “person appointed to chair the Commission (“the chair”)” substitute “Secretary of State”,
- (b) for “Commissioner” (in both places) substitute “appointed person”, and
- (c) for “if the chair” substitute “if the Secretary of State”.
- (5) In the heading for “Commissioner” substitute “appointed person”. 35
- 33 Omit section 81 (single Commissioner continuing though ceasing to be Commissioner).
- 34 In section 82 (appointment of replacement single Commissioner) for “Commissioner” (in each place, including in the heading) substitute “appointed person”. 40

- 35 (1) Amend section 83 (single Commissioner to examine and report on application) as follows.
- (2) In subsections (1) and (3), in the heading, and in the italic heading immediately preceding the section, for “Commissioner” (in each place, including in the word “Commissioner’s”) substitute “appointed person”. 5
- (3) In subsection (1)(b) (duty to make report) after “making a report” insert “to the Secretary of State”.
- (4) Omit subsection (2) (report to be made to the Commission in some cases and to the Secretary in other cases).
- (5) Omit subsection (4) (duty of Commission staff to support single Commissioner). 10
- 36 Omit sections 84 and 85 (procedure where single Commissioner’s report made to Commission) and the italic heading immediately preceding section 84.
- Examination of applications* 15
- 37 In section 86 (Chapter applies to examination by Panel or single Commissioner), and in its heading, for “Commissioner” (in each place) substitute “appointed person”.
- 38 Omit section 87(2)(b) (Examining authority to have regard to guidance given by Secretary of State or Commission). 20
- 39 In section 92 (notifying Commission that compulsory acquisition hearing wanted) for “Commission” (in each place) substitute “Secretary of State”.
- 40 In section 93 (notifying Commission that open-floor hearing wanted) for “Commission” (in both places) substitute “Secretary of State”.
- 41 In section 94(2)(b) (Panel member or single Commissioner to preside over hearing) for “Commissioner” substitute “appointed person”. 25
- 42 After section 95 insert –
- “95A Hearings: defence and national security**
- (1) Subsection (2) applies if the Secretary of State is satisfied that if all or part of the Examining Authority’s examination of the application takes the form of a meeting or hearing – 30
- (a) the making of particular oral representations at such a meeting or hearing would be likely to result in the disclosure of information as to defence or national security, and
- (b) the public disclosure of that information would be contrary to the national interest. 35
- (2) The Secretary of State may direct that representations of a description specified in the direction may be made only to persons of a description so specified (instead of being made in public).
- (3) If the Secretary of State gives a direction under subsection (2), the Attorney General (or where the representations are to be made in Scotland) the Advocate General for Scotland may appoint a person (an “appointed representative”) to represent the interests of an 40

- interested party who (by virtue of the direction) is prevented from being present when the representations are made.
- (4) Rules under section 97 may (in particular) make provision as to the functions of an appointed representative.
- (5) The Secretary of State may direct a person (a “responsible person”) to pay the fees and expenses of an appointed representative if the Secretary of State thinks that the responsible person is interested in a meeting or hearing in relation to any representations that are the subject of a direction under subsection (2). 5
- (6) Subsections (7) and (8) apply if the Secretary of State gives a direction under subsection (5). 10
- (7) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the Secretary of State.
- (8) The Secretary of State must cause the amount agreed between the appointed representative and the responsible person, or determined by the Secretary of State, to be certified. 15
- (9) An amount so certified is recoverable from the responsible person as a civil debt.
- (10) In this section “representations” includes evidence.” 20
- 43 In section 96(1)(c) (which refers to representations received by the Commission) for “Commission” substitute “Secretary of State”.
- 44 (1) Amend section 98 (timetable for examining, and reporting on, application) as follows.
- (2) In subsection (3) (deadline for making report to Secretary of State) for the words from the beginning to “its report” substitute “The Examining authority is under a duty to make its report under section 74(2)(b) or 83(1)(b)”. 25
- (3) In subsection (4) (Commission chair may extend deadlines under the section) for “person appointed to chair the Commission” substitute “Secretary of State”. 30
- (4) For subsection (6) (extensions of deadlines to be reported to Secretary of State and in Commission’s annual report) substitute –
- “(6) Subsections (7) and (8) apply where the power under subsection (4) is exercised. 35
- (7) The Secretary of State must –
- (a) notify each interested party of the new deadline, and
- (b) publicise the new deadline in such manner as the Secretary of State thinks appropriate.
- (8) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline. 40
- (9) A statement under subsection (8) may be written or oral.”

- 45 (1) Amend section 100 (Commission chair may appoint assessors at request of Examining authority) as follows.
- (2) In subsection (1) for “person appointed to chair the Commission (“the chair”)” substitute “Secretary of State”.
- (3) In subsection (2) for “chair” substitute “Secretary of State”. 5
- 46 In section 101(1) (Commission chair may appoint lawyer to assist Examining authority) for “person appointed to chair the Commission” substitute “Secretary of State”.
- 47 In section 102(4) (meaning of “relevant representation”) for “Commission” (in each place) substitute “Secretary of State”. 10

*Decisions on applications*

- 48 (1) Amend section 103 as follows.
- (2) In subsection (1) (cases where Secretary of State is the decision-maker) omit the words after “consent”.
- (3) Omit subsection (2) (meaning in Act of “decision-maker”). 15
- (4) For the heading substitute “Secretary of State is to decide applications”.
- 49 (1) Amend section 104 (decisions of Panel and Council) as follows.
- (2) In subsection (1) for “the decision-maker is a Panel or the Council” substitute “a national policy statement has effect in relation to development of the description to which the application relates”. 20
- (3) In subsection (2) –
- (a) for “Panel or Council” (in both places) substitute “Secretary of State”,
- (b) in paragraph (b) for “Commission” substitute “Secretary of State”, and
- (c) in paragraph (d) for “its” substitute “the Secretary of State’s”. 25
- (4) In subsections (3) and (4) for “Panel or Council” substitute “Secretary of State”.
- (5) In subsection (5) –
- (a) for “Panel or Council is” substitute “Secretary of State is”, and
- (b) for “Panel or Council, or the Commission, being in breach of any duty imposed on it” substitute “Secretary of State being in breach of any duty imposed on the Secretary of State”. 30
- (6) In subsections (6), (7) and (8) for “Panel or Council” substitute “Secretary of State”.
- (7) For the heading substitute “Decisions in cases where national policy statement has effect” 35
- 50 (1) Amend section 105 (decisions of Secretary of State) as follows.
- (2) In subsection (1) for “if the decision-maker is the Secretary of State” substitute “if section 104 does not apply in relation to the application”.
- (3) In subsection (2)(a) (which refers to reports submitted to the Commission) for “Commission” substitute “Secretary of State”. 40

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- (4) For the heading substitute “Decisions in cases where no national policy statement has effect”.
- 51 In section 106(1) (representations which decision-maker may disregard) for “decision-maker” (in both places) substitute “Secretary of State”.
- 52 (1) Section 107 (timetable for decisions) is amended as follows. 5
- (2) In subsection (1) (deadline for deciding application) –
- (a) for “decision-maker” substitute “Secretary of State”, and
- (b) for “day after the start day” substitute “deadline under section 98(3)”.
- (3) Omit subsection (2) (meaning of “the start day”).
- (4) In subsection (3) (extension of deadline) for “appropriate authority” 10  
substitute “Secretary of State”.
- (5) Omit subsection (4) (meaning of “appropriate authority”).
- (6) For subsections (6) to (9) (publicising deadline extensions) substitute –
- “(6) Subsection (7) applies where the power under subsection (3) is exercised. 15
- (7) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.
- (8) A statement under subsection (7) must be published in such form and manner as the Secretary of State considers appropriate. 20
- (8A) A statement under subsection (7) may be written or oral.”
- Suspension of decision-making process*
- 53 In section 108(2) (suspension of proceedings on application) for the words from “the following” to the end substitute “examination of the application by a Panel under Chapter 2, or a single appointed person under Chapter 3, is suspended (if not already completed).” 25
- Intervention by Secretary of State*
- 54 In Part 6, omit Chapter 7 (which consists of sections 109 to 113 and Schedule 3).
- Grant or refusal* 30
- 55 (1) Section 114 (decision-maker to grant or refuse consent) is amended as follows.
- (2) In subsection (1) –
- (a) for “it” substitute “the Secretary of State”, and
- (b) for “decision-maker” substitute “Secretary of State”. 35
- (3) In subsection (2) for “decision-maker” substitute “Secretary of State”.
- 56 Omit section 115(6) (Panel or Council to have regard to Secretary of State’s guidance in deciding whether development is associated).

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- 57 (1) Amend section 116 (reasons) as follows.
- (2) In subsection (1) –
- (a) for “decision-maker” substitute “Secretary of State”, and
- (b) for “its” substitute “the Secretary of State’s”.
- (3) In subsection (2) for “appropriate authority” substitute “Secretary of State”. 5
- (4) In subsection (3) –
- (a) for “appropriate authority” substitute “Secretary of State”, and
- (b) for “the authority” substitute “the Secretary of State”.
- (5) Omit subsection (4) (meaning of “appropriate authority”).
- 58 (1) Amend section 117 (orders granting consent: formalities) as follows. 10
- (2) Omit subsections (2) and (5) (orders made by Panel or Council).
- (3) In subsection (3) (duty to publish order) –
- (a) for “appropriate authority” substitute “Secretary of State”, and
- (b) for “the authority” substitute “the Secretary of State”.
- (4) For subsection (4) (order exercising powers under section 120(5)(a) or (b) must be in statutory instrument) substitute – 15
- “(4) If the order includes provision –
- (a) made under section 120(3) for or relating to any of the matters listed in paragraphs 32A and 32B of Schedule 5, or
- (b) made in the exercise of any of the powers conferred by section 120(5)(a) or (b), 20
- the order must be contained in a statutory instrument.”
- (5) In subsection (6) for “is made, the appropriate authority” substitute “containing the order is made, the Secretary of State”.
- (6) Omit subsection (7) (meaning of “appropriate authority”). 25
- 59 (1) Amend section 118 (legal challenges) as follows.
- (2) In subsection (3) (challenges to Commission decision not to accept application) for “Commission” (in both places) substitute “Secretary of State”.
- (3) In subsection (7) (other challenges to things done by Secretary of State or Commission) omit “or the Commission”. 30

*Orders granting development consent*

- 60 (1) Amend section 120 (what may be contained in order) as follows.
- (2) In subsection (5)(b) and (c) (order may contain provision that appears necessary or expedient to decision-maker) for “decision-maker” substitute “Secretary of State”. 35
- (3) For subsection (8) (order may not create offences or make byelaws or confer



- or amend power to do so) substitute –
- “(8) With the exception of provision made under subsection (3) for or relating to any of the matters listed in paragraph 32B of Schedule 5, an order granting development consent may not include –
- (a) provision creating offences, 5
  - (b) provision conferring power to create offences, or
  - (c) provision changing an existing power to create offences.”
- 61 Omit section 121 (Secretary of State’s control of exercise of legislative powers by Panel or Council).
- 62 In sections 122(1) and 123(1) (compulsory acquisition may be authorised only if decision-maker satisfied conditions met) for “decision-maker” substitute “Secretary of State”. 10
- 63 Omit section 124 (guidance to Panels and Council about authorising compulsory acquisition).
- 64 (1) Amend section 127 (statutory undertakers’ land) as follows. 15
- (2) In subsection (1)(c) (decision-maker must be satisfied as to use of land) for “decision-maker” substitute “Secretary of State”.
- (3) Omit subsection (7)(b) (Secretary of State to notify Commission).
- 65 Omit sections 131(10)(b) and 132(10)(b) (Secretary of State to notify Commission). 20
- 66 (1) Amend section 136 (public rights of way) as follows.
- (2) In subsection (1) (decision-maker must be satisfied) for “decision-maker” substitute “Secretary of State”.
- (3) In subsections (4)(b) and (5) (revival of right extinguished in connection with abandoned acquisition proposal) for “appropriate authority” substitute “Secretary of State”. 25
- (4) Omit subsection (6) (meaning of “appropriate authority”).
- 67 In section 138(4)(a) (decision-maker must be satisfied) for “decision-maker” substitute “Secretary of State”.
- 68 (1) Amend section 147 (Green Belt land) as follows. 30
- (2) In subsection (2) (decision-maker’s duty to notify) for “decision-maker” substitute “Secretary of State”.
- (3) Omit subsection (3) (cases where Secretary of State not decision-maker).
- 69 In section 235(1) (interpretation of Act) omit the definitions of – 35
- “the Commission”,
  - “Commissioner”,
  - “the Council”, and
  - “decision-maker”.
- 70 (1) Amend Schedule 4 (corrections of errors in development consent decisions) as follows. 40
- (2) In paragraph 1(1)(a) for “decision-maker” substitute “Secretary of State”.

- (3) In paragraph 1(4), (5) and (7) for “appropriate authority” (in each place) substitute “Secretary of State”.
- (4) Omit paragraph 1(9) (instruments made by the Commission).
- (5) In paragraph 1(10) for “is made, the appropriate authority” substitute “containing the order is made, the Secretary of State”. 5
- (6) In paragraph 2 for “appropriate authority” (in each place) substitute “Secretary of State”.
- (7) In paragraph 2(4) (Secretary of State may specify other persons to whom correction notice is to be given) for the words after “may” substitute “give the correction notice to persons other than those to whom sub-paragraph (3) requires it to be given.” 10
- (8) In paragraph 4 omit the definition of “the appropriate authority”.
- 71 (1) Amend Schedule 5 (provisions relating to, or to matters ancillary to, development) as follows.
- (2) In paragraph 18 (order granting development consent may make provision for or relating to charging tolls, fares and other charges) after “fares” insert “(including penalty fares)”. 15
- (3) After paragraph 32 insert –
- “32A The making of byelaws by any person and their enforcement.
- 32B (1) The creation of offences within sub-paragraph (2) in connection with – 20
- (a) non-payment of tolls, fares or other charges,
- (b) a person’s failure to give the person’s name or address in accordance with provision relating to penalty fares,
- (c) enforcement of byelaws, or 25
- (d) construction, improvement, maintenance or management of a harbour.
- (2) An offence is within this sub-paragraph if –
- (a) it is triable only summarily,
- (b) a person guilty of the offence is not liable to imprisonment, and 30
- (c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale.”
- 72 (1) Amend Schedule 6 (changes to, and revocation of, orders) as follows.
- (2) Omit paragraph 1(4) (meaning of “appropriate authority”). 35
- (3) Except in paragraphs 3(6) and (7) and 6(2), for “appropriate authority” (in each place) substitute “Secretary of State”.
- (4) In paragraph 2(1) for “it” substitute “the Secretary of State”.
- (5) In paragraph 2(4) for “Commission” substitute “Secretary of State”.
- (6) Omit paragraph 2(10) (instruments made by Commission). 40
- (7) In paragraph 2(11) after “instrument” insert “containing the order”.

- (8) Omit paragraph 3(6) (cases where Commission is appropriate authority).
- (9) In paragraph 3(7) for “Where the appropriate authority is the Secretary of State, the” substitute “The”.
- (10) Omit paragraph 4(8) (instruments made by Commission).
- (11) In paragraph 4(9) after “instrument” insert “containing the order”. 5
- (12) In paragraph 6(2) for the words after “payable to the person” substitute “by the Secretary of State.”
- 73 In Schedule 12 (application of Act to Scotland: modifications) in paragraph 27 (application of Part 1 of Schedule 5) after “32” insert “, 32B(1)(a), (b) and (d)”. 10

## PART 2

### OTHER AMENDMENTS

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 74 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit the entry for the Infrastructure Planning Commission. 15

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 75 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Infrastructure Planning Commission. 20

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 76 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Infrastructure Planning Commission.

#### *Town and Country Planning Act 1990 (c. 8)* 25

- 77 (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 106A(11) (modification and discharge of planning obligations: meaning of “appropriate authority”)—
- (a) in paragraph (aa) (Secretary of State is appropriate authority in certain development consent cases) omit the words after “any development consent obligation”, and
- (b) omit paragraph (ab) (Commission is appropriate authority in all other development consent cases). 30
- (3) In section 106B(1) (planning obligation appeals otherwise than from Secretary of State or Commission) omit “or the Infrastructure Planning Commission”. 35
- (4) In section 106C (development consent obligations: legal challenges) omit “or the Infrastructure Planning Commission” (in both places).

*Freedom of Information Act 2000 (c. 36)*

- 78 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit the entry for the Infrastructure Planning Commission.

*Government of Wales Act 2006 (c. 32)*

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- 79 In Part 1 of Schedule 7 to the Government of Wales Act 2006 (subjects to which provisions of Acts of the Assembly may relate) in the exception to paragraph 18 (Town and Country Planning) for “Functions of the Infrastructure Planning Commission or any of its members under the Planning Act 2008” substitute “Development consent under the Planning Act 2008”.

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## SCHEDULE 14

Section 146

GROUPS ON WHICH LANDLORD MAY REFUSE TO SURRENDER AND GRANT TENANCIES  
UNDER SECTION 145

*Ground 1*

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- 1 This ground is that any rent lawfully due from a tenant under one of the existing tenancies has not been paid.

*Ground 2*

- 2 This ground is that an obligation under one of the existing tenancies has been broken or not performed.

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*Ground 3*

- 3 This ground is that any of the relevant tenants is subject to an order of the court for possession of the dwelling-house let on that tenant’s existing tenancy.

*Ground 4*

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- 4 (1) This ground is that either of the following conditions is met.
- (2) The first condition is that—
- (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is a secure tenancy, and
- (b) possession is sought on one or more of grounds 1 to 6 in Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which possession may be ordered despite absence of suitable accommodation).
- (3) The second condition is that—
- (a) a notice has been served on a relevant tenant under section 83 of that Act (notice of proceedings for possession), and
- (b) the notice specifies one or more of those grounds and is still in force.

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*Ground 5*

- 5 (1) This ground is that either of the following conditions is met.
- (2) The first condition is that –
- (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is an assured tenancy, and 5
  - (b) possession is sought on one or more of the grounds in Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which the court may order possession)
- (3) The second condition is that –
- (a) a notice has been served on a relevant tenant under section 8 of that Act (notice of proceedings for possession), and 10
  - (b) the notice specifies one or more of those grounds and is still in force.

*Ground 6*

- 6 (1) This ground is that either of the following conditions is met.
- (2) The first condition is that a relevant order or suspended Ground 2 or 14 possession order is in force in respect of a relevant tenant or a person residing with a relevant tenant. 15
- (3) The second condition is that an application is pending before any court for a relevant order, a demotion order or a Ground 2 or 14 possession order to be made in respect of a relevant tenant or a person residing with a relevant tenant. 20
- (4) In this paragraph –
- a “relevant order” means –
    - (a) an injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour), 25
    - (b) an injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour),
    - (c) an injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords), 30
    - (d) an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998, or
    - (e) an injunction to which the power of arrest is attached by virtue of section 91 of the Anti-social Behaviour Act 2003; 35
  - a “demotion order” means a demotion order under section 82A of the Housing Act 1985 or section 6A of the Housing Act 1988;
  - a “Ground 2 or 14 possession order” means an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988. 40

*Ground 7*

- 7 This ground is that the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is substantially more extensive than is reasonably required by the existing tenant or tenants to whom the tenancy is proposed to be granted. 45

*Ground 8*

- 8 This ground is that the extent of the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is not reasonably suitable to the needs of –
- (a) the existing tenant or tenants to whom the tenancy is proposed to be granted, and
  - (b) the family of that tenant or those tenants.

*Ground 9*

- 9 (1) This ground is that the dwelling house proposed to be let on the new tenancy meets both of the following conditions. 10
- (2) The first condition is that the dwelling-house forms part of or is within the curtilage of a building that, or so much of it as is held by the landlord –
- (a) is held mainly for purposes other than housing purposes, and
  - (b) consists mainly of accommodation other than housing accommodation, or is situated in a cemetery. 15
- (3) The second condition is that the dwelling-house was let to any tenant under the existing tenancy of that dwelling-house, or a predecessor in title of the tenant, in consequence of the tenant or the predecessor being in the employment of –
- (a) the landlord under the tenancy, 20
  - (b) a local authority,
  - (c) a development corporation,
  - (d) a housing action trust,
  - (e) an urban development corporation, or
  - (f) the governors of an aided school. 25

*Ground 10*

- 10 This ground is that the landlord is a charity and the occupation of the dwelling-house proposed to be let on the new tenancy by the relevant tenant or tenants to whom the new tenancy is proposed to be granted would conflict with the objects of the charity. 30

*Ground 11*

- 11 (1) This ground is that both of the following conditions are met.
- (2) The first condition is that the dwelling-house proposed to be let on the new tenancy has features that –
- (a) are substantially different from those of ordinary dwelling-houses, and
  - (b) are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house. 35
- (3) The second condition is that if the new tenancy were granted there would no longer be such a person residing in the dwelling-house. 40

*Ground 12*

- 12 (1) This ground is that both of the following conditions are met.
- (2) The first condition is that the landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to meet their need for housing. 5
- (3) The second condition is that, if the new tenancy were granted, there would no longer be such a person residing in the dwelling-house proposed to be let on the new tenancy.

*Ground 13*

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- 13 (1) This ground is that all of the following conditions are met.
- (2) The first condition is that the dwelling-house proposed to be let on the new tenancy is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs.
- (3) The second condition is that a social service or special facility is provided in close proximity to the group of dwelling-houses to assist persons with those special needs. 15
- (4) The third condition is that if the new tenancy were granted there would no longer be a person with those special needs residing in the dwelling-house.

*Ground 14*

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- 14 (1) This ground is that all of the following conditions are met.
- (2) The first condition is that—
- (a) the dwelling-house proposed to be let on the new tenancy is the subject of a management agreement under which the manager is a housing association, and 25
- (b) at least half the members of the association are tenants of dwelling-houses subject to the agreement.
- (3) The second condition is that at least half the tenants of the dwelling-houses are members of the association.
- (4) The third condition is that no relevant tenant to whom the new tenancy is proposed to be granted is, or is willing to become, a member of the association. 30
- (5) References in this paragraph to a management agreement include a section 247 or 249 arrangement as defined by 250A(6) of the Housing and Regeneration Act 2008. 35

## SCHEDULE 15

Section 154

## ABOLITION OF HOUSING REVENUE ACCOUNT SUBSIDY IN ENGLAND

- 1 Part 6 of the Local Government and Housing Act 1989 (housing finance) is amended as follows.

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- 2 (1) Section 79 (Housing Revenue Account subsidy) is amended as follows.
- (2) In subsection (1) after “local housing authorities” insert “in Wales”.
- (3) In subsection (2) for “appropriate person” in both places substitute “Welsh Ministers”.
- 3 (1) Section 80 (calculation of Housing Revenue Account Subsidy) is amended as follows. 5
- (2) In subsection (1) –
- (a) after “local housing authority” insert “in Wales”, and
- (b) for “appropriate person” substitute “Welsh Ministers”.
- (3) In subsection (1A)(b) – 10
- (a) in sub-paragraph (i) for “appropriate person” in both places substitute “Welsh Ministers”, and
- (b) in sub-paragraph (ii) –
- (i) for “appropriate person’s” substitute “Welsh Ministers”, and
- (ii) for “appropriate person” substitute “Welsh Ministers”. 15
- (4) In subsection (3) –
- (a) in the opening words for “appropriate person” substitute “Welsh Ministers”,
- (b) in the opening words for “he considers” substitute “they consider”,
- (c) in paragraph (b) for “appropriate person” substitute “Welsh Ministers”, and 20
- (d) in paragraph (c) for “he thinks” substitute “the Welsh Ministers think”.
- (5) In subsection (4) –
- (a) in the opening words for “(or each authority in England or in Wales)” substitute “in Wales”, 25
- (b) in paragraph (a) –
- (i) for the “appropriate person considers” substitute “Welsh Ministers consider”, and
- (ii) for “(or all of the authorities in England or Wales)” substitute “in Wales”, and 30
- (c) in paragraph (b) –
- (i) for “them” substitute “the authorities”,
- (ii) for the “appropriate person considers” substitute “Welsh Ministers consider”, 35
- (iii) for “he thinks” substitute “the Welsh Ministers think”,
- (iv) for “their” substitute “the authorities”, and
- (v) for “they” substitute “the authorities”.
- (6) In subsection (5) for “appropriate person’s” substitute “Welsh Ministers”.
- (7) In subsection (6) – 40
- (a) for “appropriate person” substitute “Welsh Ministers”,
- (b) for “him” substitute “them”, and
- (c) for “he thinks” substitute “they think”.
- 4 (1) Section 80ZA (negative amounts of subsidy payable to appropriate person) is amended as follows. 45



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- (2) In the heading for “appropriate person” substitute “Welsh Ministers”.
- (3) In subsection (1)(b) for “appropriate person” substitute “Welsh Ministers”.
- (4) In subsection (2) –
- (a) for “appropriate person” substitute “Welsh Ministers”,
  - (b) for “him” substitute “them”, and
  - (c) for “he” substitute “they”.
- (5) In subsection (3) for “appropriate person” substitute “Welsh Ministers”.
- (6) In subsection (4) –
- (a) for “appropriate person” substitute “Welsh Ministers”,
  - (b) for “he” substitute “the Welsh Ministers”, and
  - (c) for “him” substitute “the Welsh Ministers”.
- (7) In subsection (5) –
- (a) for “appropriate person” substitute “Welsh Ministers”, and
  - (b) for “him” in both places substitute “the Welsh Ministers”.
- 5 (1) Section 80A (final decision on amount of Housing Revenue Account subsidy) is amended as follows. 15
- (2) In subsection (1) –
- (a) after the first “authority” insert “in Wales”,
  - (b) for “Secretary of State” substitute “Welsh Ministers”,
  - (c) for “he thinks” substitute “they think”, and
  - (d) for “his” substitute “their”.
- (3) In subsection (1A) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (1B) –
- (a) in paragraph (a) for “Secretary of State” substitute “Welsh Ministers”,
  - (b) in paragraph (c) for “Secretary of State has” substitute “Welsh Ministers have”, and
  - (c) in paragraph (d) for “Secretary of State” substitute “Welsh Ministers”.
- (5) In subsection (1C) for “Secretary of State” in both places substitute “Welsh Ministers”.
- (6) In subsection (1D) for “Secretary of State” in both places substitute “Welsh Ministers”.
- (7) In subsection (4) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, and
  - (b) for “he thinks” substitute “they think”.
- (8) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- 6 (1) Section 80B (agreements to exclude certain authorities or property) is amended as follows. 40
- (2) In subsection (1) for “appropriate person” substitute “Welsh Ministers”.
- (3) In subsection (3) –

- (a) in paragraph (b) for “appropriate person” in both places substitute “Welsh Ministers”, and
- (b) in paragraph (e) for “appropriate person” substitute “Welsh Ministers”.
- (4) In subsection (4) for “appropriate person” substitute “Welsh Ministers”. 5
- 7 Omit sections 82 to 84 (residual debt subsidy and housing subsidy for year 1989-90).
- 8 (1) Section 85 (power to obtain information) is amended as follows.
- (2) In subsection (1) –
- (a) after “authority” in both places insert “in Wales”, 10
- (b) for “Secretary of State” in both places substitute “Welsh Ministers”,
- (c) for “he” substitute “the Welsh Ministers”,
- (d) for “his” substitute “their”, and
- (e) omit “or 83”.
- (3) In subsection (2) – 15
- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) for “him” substitute “them”, and
- (c) for “he” substitute “they”.
- (4) In subsection (3) –
- (a) for “Secretary of State” substitute “Welsh Ministers”, 20
- (b) for the first “he” substitute “the Welsh Ministers”,
- (c) for “his” substitute “their”,
- (d) omit “or 83”, and
- (e) for “he sees” substitute “they see”.
- 9 In section 86(1) (recoupment of subsidy in certain cases) – 25
- (a) omit “or residual debt subsidy”,
- (b) for “Secretary of State” substitute “Welsh Ministers”,
- (c) for “him” substitute “them”, and
- (d) for “he” in each place substitute “they”.
- 10 (1) Section 88 (construction and application of Part 6) is amended as follows. 30
- (2) Omit subsection (2).
- (3) In subsection (3) omit “Subject to subsection (2) above,”.
- (4) Omit subsections (4) and (5).
- 11 (1) Schedule 4 (the keeping of the Housing Revenue Account) is amended as follows. 35
- (2) In Part 2 (debits to the account) in Item 5 (sums payable under section 80ZA) for “the Secretary of State, or the National Assembly for Wales,” substitute “the Welsh Ministers”.
- (3) In Part 3 (special cases) in paragraph 2(1) (credit balance where no HRA subsidy payable) after “authority” insert “in Wales”. 40

SCHEDULE 16

Section 165

TRANSFER OF FUNCTIONS FROM THE OFFICE FOR TENANTS AND SOCIAL LANDLORDS TO  
 THE HOMES AND COMMUNITIES AGENCY

PART 1

AMENDMENTS TO THE HOUSING AND REGENERATION ACT 2008 5

- 1 The Housing and Regeneration Act 2008 is amended as follows.
- 2 In section 2 (the HCA: objects) after subsection (1) insert—
- “(1A) It is also an object of the HCA to facilitate the exercise through its Regulation Committee of the functions conferred on the HCA—
- (a) as the regulator by virtue of Part 2 (regulation of social housing), or 10
- (b) as the Regulator of Social Housing by virtue of any other enactment or instrument.”
- 3 In section 4 (powers of the HCA: general) in subsection (6) for the “and” at the end of paragraph (a) substitute— 15
- “(aa) subsections (2) to (5) do not apply to the powers conferred on the HCA—
- (i) as the regulator by virtue of Part 2 (but see section 92I (exercise of functions)), or
- (ii) as the Regulator of Social Housing by virtue of any other enactment or instrument, and” 20
- 4 (1) Section 31 (duties in relation to social housing) is amended as follows.
- (2) Omit subsections (9) and (10).
- (3) In subsection (11) omit— 25
- (a) “or low cost home ownership accommodation”, and
- (b) “or (as the case may be) low cost home ownership accommodation”.
- (4) In subsection (12) omit the definition of “low cost home ownership accommodation”.
- 5 In section 32 (recovery etc of social housing assistance) omit subsection (11).
- 6 In section 34(2) (determinations under sections 32 and 33)— 30
- (a) omit paragraph (a), and
- (b) in paragraph (b) omit “other”.
- 7 Omit section 37 (duty to co-operate with Regulator of Social Housing).
- 8 (1) Section 42 (agency arrangements with UDCs) is amended as follows.
- (2) In subsection (2)(a) after “Chapter 3” insert “or the functions to which subsection (2A) applies” 35
- (3) After that subsection insert—
- “(2A) The functions to which this subsection applies are the functions conferred on the HCA—
- (a) as the regulator by virtue of Part 2, or 40

- (b) as the Regulator of Social Housing by virtue of any other enactment or instrument.”
- 9 In section 46 (guidance by the Secretary of State) after subsection (7) insert –
- “(8) This section does not apply to the functions conferred on the HCA –
- (a) as the regulator by virtue of Part 2, or 5
- (b) as the Regulator of Social Housing by virtue of any other enactment or instrument.”
- 10 In section 47 (directions by the Secretary of State) after subsection (6) insert –
- “(7) This section does not apply to the functions conferred on the HCA –
- (a) as the regulator by virtue of Part 2, or 10
- (b) as the Regulator of Social Housing by virtue of any other enactment or instrument.”
- 11 In the Table in section 58 (Part 1: index of defined expressions) in the entry for “Regulator of Social Housing” for “Section 81(2)(a)” substitute “Section 92A(2)”. 15
- 12 In the Table in section 60(4) (structural overview of Part 2) for the entry relating to Chapter 2 substitute –
- |    |            |    |                             |        |  |    |
|----|------------|----|-----------------------------|--------|--|----|
| “2 | 92A<br>109 | to | The<br>Housing<br>Regulator | Social | (a) The regulator and<br>the Regulation<br>Committee | 20 |
|    |            |    |                             |        | (b) Fundamental<br>objectives                        |    |
|    |            |    |                             |        | (c) Powers   |    |
|    |            |    |                             |        | (d) Money  |    |
|    |            |    |                             |        | (e) Information”                                     | 25 |
- 13 Omit section 78 (the Regulator of Social Housing).
- 14 Omit section 81 (the regulator: establishment).
- 15 Omit section 82 (the regulator: membership).
- 16 Omit section 83 (the regulator: tenure of office of members).
- 17 Omit section 84 (the regulator: chief executive). 30
- 18 Omit section 85 (the regulator: other staff).
- 19 Omit section 86 (the regulator: fundamental objectives).
- 20 Omit section 87 (the regulator: procedure).
- 21 Omit section 88 (the regulator: conflict of interest).
- 22 Omit section 89 (the regulator: committees). 35
- 23 Omit section 90 (the regulator: delegation).
- 24 Omit section 91 (the regulator: seal).
- 25 Omit section 92 (the regulator: annual report).

26 After that section insert –

*“The regulator and the Regulation Committee*

**92A Regulation functions of the HCA**

- (1) In this Part “the regulator” means the HCA.
- (2) In any other enactment or instrument “the Regulator of Social Housing” means the HCA. 5

**92B The Regulation Committee**

- (1) The HCA must establish a committee to be known as the Regulation Committee.
- (2) The functions conferred on the HCA as the regulator by virtue of this Part, or as the Regulator of Social Housing by virtue of any other enactment or instrument, are exercisable by the HCA acting through the Regulation Committee. 10
- (3) Those functions are not exercisable by the HCA in any other way.
- (4) Subsections (2) and (3) are subject to any express provision to the contrary in this Part or in the enactment or instrument in question. 15
- (5) References in this Part to the functions of the regulator are to the functions mentioned in subsection (2).
- (6) References in any enactment or instrument to the social housing functions of the HCA or the Regulator of Social Housing are to the functions mentioned in subsection (2). 20

**92C Membership of the Regulation Committee**

- (1) The Regulation Committee is to consist of –
  - (a) a person appointed by the Secretary of State to chair the Committee (“the chair”), and 25
  - (b) not less than four and not more than six other members appointed by the Secretary of State.
- (2) The chair of the Committee must not be a member of the HCA immediately prior to the chair’s appointment as such, but becomes a member of the HCA on appointment. 30
- (3) One other member of the Committee may be a member of the HCA.
- (4) The member within subsection (3) is referred to in this Part as the internal member.
- (5) The remaining members of the Committee must be neither a member nor a member of staff of the HCA. 35
- (6) A member within subsection (5) is referred to in this Part as an external member.
- (7) The Secretary of State must consult the chair before appointing the other members.
- (8) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has 40

experience of, and has shown some capacity in, a matter relevant to the exercise of the functions of the regulator.

- (9) In appointing a person to be a member, the Secretary of State must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person’s functions as a member. 5
- (10) The Secretary of State may require any person whom the Secretary of State proposes to appoint as a member to provide such information as the Secretary of State considers necessary for the purposes of subsection (9). 10

#### **92D Terms of appointment of members**

- (1) A member of the Regulation Committee holds office in accordance with the member’s terms of appointment.
- (2) A member may resign by serving notice on the Secretary of State.
- (3) A person ceases to be the chair if the person— 15
- (a) resigns that office by serving notice on the Secretary of State, or
  - (b) ceases to be a member of the Committee.
- (4) If a person ceases to be the chair, the person— 20
- (a) ceases to be a member of the Committee, and
  - (b) ceases to be a member of the HCA.
- (5) A person ceases to be the internal member if the person ceases to be a member of the HCA.
- (6) A person who ceases to be a member or the chair is eligible for reappointment (subject to section 92C). 25
- (7) The Secretary of State may remove a member who— 30
- (a) has been absent from meetings of the Committee without its permission for more than six months,
  - (b) has become bankrupt or has made an arrangement with the member’s creditors,
  - (c) the Secretary of State thinks has failed to comply with the member’s terms of appointment, or
  - (d) the Secretary of State thinks is otherwise unable, unfit or unsuitable to exercise the functions of that member.

#### **92E Remuneration etc of members** 35

- (1) The Secretary of State may require the HCA to pay to the chair such additional remuneration and allowances as the Secretary of State may decide.
- (2) The Secretary of State may require the HCA to pay to the external members of the Regulation Committee such remuneration and allowances as the Secretary of State may decide. 40
- (3) The Secretary of State may require the HCA to—

- (a) pay such pensions, allowances or gratuities as the Secretary of State may decide to or in respect of any external member or former external member;
- (b) pay such sums as the Secretary of State may decide towards provision for the payment of pensions, allowances or gratuities to or in respect of any external member or former external member. 5
- (4) Subsection (5) applies if –
- (a) a person ceases to be an external member, and
- (b) the Secretary of State considers that there are special circumstances that make it appropriate for the person to receive compensation. 10
- (5) The Secretary of State may require the HCA to pay the person such amount as the Secretary of State may decide.
- 92F Sub-committees of the Regulation Committee** 15
- (1) The Regulation Committee may establish one or more sub-committees.
- (2) A sub-committee may include persons who are not members of the Committee.
- (3) The Secretary of State may require the HCA to pay such remuneration and allowances as the Secretary of State may decide to any person who – 20
- (a) is a member of a sub-committee, but
- (b) is not a member of the Committee.
- (4) The HCA may dissolve a sub-committee. 25
- 92G Procedure of the Committee and its sub-committees**
- (1) The Regulation Committee may decide –
- (a) its own procedure, and
- (b) the procedure of any of its sub-committees.
- (2) Subject to subsection (1), a sub-committee may decide its own procedure. 30
- (3) The validity of proceedings of the Committee or of any of its sub-committees is not affected by –
- (a) any vacancy in its membership,
- (b) any defect in the appointment of a member, or 35
- (c) any contravention of section 92H (members’ interests).
- (4) In this section “procedure” includes quorum.
- 92H Members’ interests**
- (1) A member of the Regulation Committee who is directly or indirectly interested in any matter arising at a meeting of the Committee must disclose the nature of that interest to the meeting. 40

- (2) A member of a sub-committee of the Committee who is directly or indirectly interested in any matter arising at a meeting of the sub-committee must disclose the nature of that interest to the meeting.
- (3) In a case within subsection (1) or (2) –
- (a) the member must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but 5
  - (b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interests disclosed might prejudicially affect the member’s consideration of the matter. 10

**92I Exercise of functions**

- (1) The Regulation Committee may delegate any of the functions of the regulator to –
- (a) any of its members, 15
  - (b) any of its sub-committees, or
  - (c) any member of staff of the HCA.
- (2) A sub-committee of the Committee may delegate any function conferred on it to any member of staff of the HCA.
- (3) A power of the HCA that is a function of the regulator – 20
- (a) may be exercised separately or together with, or as part of, another such power;
  - (b) does not limit the scope of another such power.

**92J Recommendations to HCA**

- (1) The Regulation Committee may make recommendations to the HCA about the exercise of the HCA’s functions. 25
- (2) The HCA must publish, in such manner as it thinks fit –
- (a) a recommendation received from the Regulation Committee under this section, and
  - (b) the HCA’s response to it. 30
- (3) In this section the reference to the HCA’s functions does not include the functions of the regulator.

*Fundamental objectives***92K Fundamental objectives**

- (1) The regulator must perform its functions with a view to achieving (so far as is possible) – 35
- (a) the economic regulation objective, and
  - (b) the consumer regulation objective.
- (2) The economic regulation objective is –
- (a) to ensure that registered providers of social housing are financially viable and properly managed, and perform their functions efficiently and economically, 40



- 
- |    |     |   |                  |
|----|-----|---|------------------|
|    |     | <ul style="list-style-type: none"> <li>(b) to support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing),</li> <li>(c) to ensure that value for money is obtained from public investment in social housing,</li> <li>(d) to ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds, and</li> <li>(e) to guard against the misuse of public funds.</li> </ul>   | 5                |
|    | (3) | The consumer regulation objective is –  |                  |
|    |     | <ul style="list-style-type: none"> <li>(a) to support the provision of social housing that is well-managed and of appropriate quality,</li> <li>(b) to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection,</li> <li>(c) to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account, and</li> <li>(d) to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.</li> </ul> | 10<br><br><br>15 |
|    | (4) | The objectives are referred to in this Part as the regulator’s fundamental objectives.  | 20               |
|    | (5) | The regulator must exercise its functions in a way that –   |                  |
|    |     | <ul style="list-style-type: none"> <li>(a) minimises interference, and</li> <li>(b) (so far as is possible) is proportionate, consistent, transparent and accountable.”</li> </ul>  | 25               |
| 27 |     | In section 93(1) (the regulator: general functions) for “conferred on it by this Part or another enactment” substitute “of the regulator”.  |                  |
| 28 |     | Omit section 99 (the regulator: remuneration).  |                  |
| 29 |     | In section 100 (charging) –   |                  |
|    |     | <ul style="list-style-type: none"> <li>(a) at the beginning insert “(1)”, and</li> <li>(b) at the end of the subsection (1) so formed insert –</li> </ul>   | 30               |
|    |     | <ul style="list-style-type: none"> <li>“(2) The functions of billing for and receiving the payment of charges under this section are exercisable by the HCA rather than by the HCA acting through its Regulation Committee.”</li> </ul>   |                  |
| 30 |     | Omit section 101 (the regulator: assistance by Secretary of State).   | 35               |
| 31 |     | Omit section 102 (the regulator: borrowing).  |                  |
| 32 |     | Omit section 103 (the regulator: accounts).   |                  |
| 33 |     | Omit section 104 (the regulator: financial year).   |                  |
| 34 |     | Omit section 105 (the regulator: co-operation with the HCA).  |                  |
| 35 |     | Omit section 106 (the regulator: direction to the HCA).   | 40               |
| 36 |     | In section 112(4) (duty to consult before setting criteria for voluntary registration) omit paragraph (a).  |                  |
| 37 | (1) | Section 117 (the regulator: fees) is amended as follows.  |                  |

- 
- (2) In subsection (5)(a) after “the performance of” insert “the regulator’s”.
- (3) In subsection (9) for “regulator’s” substitute “HCA’s”.
- (4) After that subsection insert –
- “(10) The functions of billing for and receiving the payment of fees under this section are exercisable by the HCA rather than by the HCA acting through its Regulation Committee.” 5
- 38 In section 145 (moratorium) omit subsection (4).
- 39 (1) Section 146 (duration of moratorium) is amended as follows.
- (2) In subsection (4) –
- (a) at the end of paragraph (a) insert “and”, and 10
- (b) omit paragraph (c).
- (3) Omit subsection (8).
- 40 In section 147(4) (further moratorium) –
- (a) at the end of paragraph (a) insert “and”, and 15
- (b) omit paragraph (c).
- 41 In section 174(5) (procedure for consent to disposal of social housing) omit paragraph (a).
- 42 In section 196(1) (consultation on standards and codes of practice) omit paragraph (f).
- 43 In section 197(4) (direction by Secretary of State) omit paragraph (b). 20
- 44 In section 202 (inspections: supplemental) after subsection (7) insert –
- “(8) The functions of billing for and receiving the payment of fees under this section are exercisable by the HCA rather than by the HCA acting through its Regulation Committee.”
- 45 In section 216 (consultation on use of intervention powers) omit paragraph (e). 25
- 46 In section 222 (notification of use of enforcement notice) omit paragraph (a).
- 47 In section 230(2) (pre-penalty warning) omit paragraph (a).
- 48 Omit section 232 (duty to notify HCA of penalty notice).
- 49 In section 242(3) (pre-compensation warning) omit paragraph (a). 30
- 50 (1) Section 248 (supplemental provisions about management tenders) is amended as follows.
- (2) In subsection (4) omit paragraph (a).
- (3) In subsection (7) omit paragraph (c).
- (4) In subsection (8) omit paragraph (a). 35
- 51 (1) Section 250 (supplemental provisions about management transfers) is amended as follows.
- (2) In subsection (4) omit paragraph (a).

- (3) In subsection (7) omit paragraph (c).
- (4) In subsection (8) omit paragraph (a).
- 52 (1) Section 252 (supplemental provisions about appointment of managers) is amended as follows.
- (2) In subsection (4) omit paragraph (a). 5
- (3) Omit subsection (7).
- 53 (1) The Table in section 276 (Part 2: index of defined terms) is amended as follows.
- (2) Omit the entry for “Appointed member”.
- (3) In the entry for “Fundamental objectives” for “Section 86” substitute “Section 92K”. 10
- (4) In the entry for “The regulator” for “Section 81” substitute “Section 92A”.
- (5) In the entry for “The Regulator of Social Housing” for “Section 81” substitute “Section 92A”.
- (6) Insert the following entries at the appropriate place – 15
- |                      |               |
|----------------------|---------------|
| “The chair           | Section 92C”; |
| “External member     | Section 92C”; |
| “The internal member | Section 92C”. |
- 54 (1) Schedule 1 (constitution of the Homes and Communities Agency) is amended as follows. 20
- (2) In paragraph 1 (appointment of membership) after sub-paragraph (4) insert –
- “(5) A person who is an external member of the Regulation Committee (see section 92C) may not be appointed as a member of the HCA.”
- (3) After paragraph 17 insert – 25
- “18 The provisions in this Schedule about the HCA’s committees and their sub-committees do not apply in relation to the Regulation Committee or its sub-committees (as to which see in particular sections 92A to 92I).”
- PART 2 30
- AMENDMENTS CONSEQUENTIAL ON PART 1
- Public Records Act 1958 (c. 51)*
- 55 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 omit the entry for the Office for Tenants and Social Landlords. 35

*Parliamentary Commissioner Act 1967 (c. 13)*

- 56 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit the entry for the Office for Tenants and Social Landlords.

*House of Commons Disqualification Act 1975 (c. 24)*

5

- 57 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) omit the entry for the Office for Tenants and Social Landlords.

*Race Relations Act 1976 (c. 74)*

- 58 In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) omit paragraph 52 (the Office for Tenants and Social Landlords).

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*Freedom of Information Act 2000 (c. 36)*

- 59 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit the entry for the Office for Tenants and Social Landlords.

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## PART 3

## TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

*Transfer of property, rights and liabilities*

- 60 (1) The property, rights and liabilities to which the Office is entitled or subject immediately before the commencement of this paragraph transfer to and vest in the HCA. 20
- (2) This paragraph has effect in spite of any provision (of whatever nature) that would otherwise prevent, penalise or restrict the transfer of the property, rights or liabilities.
- (3) In particular, it has effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of such a provision having effect in relation to the terms on which the Office is entitled to the property or right, or subject to the liability, in question. 25
- (4) A certificate by the Secretary of State that anything specified in the certificate has vested in the HCA under this paragraph is conclusive evidence for all purposes of that fact. 30

*Employment contracts: transfer of rights and liabilities*

- 61 (1) The rights and liabilities transferred by paragraph 60 include rights or liabilities under a contract of employment.
- (2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer by virtue of that paragraph of rights or liabilities under a contract of employment (whether or not it is a relevant transfer for the purposes of those regulations). 35

*Continuity*

- 62 (1) The transfer of property, rights and liabilities by virtue of paragraph 60 does not affect the validity of anything done (or having effect as if done) by or in relation to the Office before the transfer takes effect.
- (2) Anything that – 5
- (a) is done (or has effect as if done) by or in relation to the Office for the purposes of, or otherwise in connection with, anything transferred by paragraph 60, and
- (b) has effect immediately before the transfer date,  
is to be treated as done by or in relation to the HCA. 10
- (3) There may be continued by or in relation to the HCA anything (including legal proceedings) that –
- (a) relates to anything transferred under paragraph 60, and
- (b) is in the process of being done by or in relation to the Office immediately before the transfer date. 15
- (4) Sub-paragraph (5) applies to any document that –
- (a) relates to anything transferred under paragraph 60, and
- (b) is in effect immediately before the transfer date.
- (5) Any references (however expressed) in the document to the Office are to be read, so far as is necessary for the purposes of the transfer, as references to the HCA. 20

*Interpretation*

- 63 In this Part of this Schedule –
- “the Office” means the Office for Tenants and Social Landlords constituted by Chapter 2 of the Housing and Regeneration Act 2008 as originally enacted; 25
- “the transfer date” means the date on which paragraph 60 comes into force.

## PART 4

TRANSITIONAL AND SAVING PROVISIONS 30*Final annual report*

- 64 (1) As soon as is reasonably practicable after the abolition date, the HCA must prepare a report on the performance of the functions of the Office –
- (a) in the last financial year to end before the abolition date, and
- (b) in the period (if any) beginning immediately after the end of that financial year and ending immediately before the abolition date. 35
- (2) Sub-paragraph (1)(a) does not apply if the Office has already sent a report under section 92 of the Housing and Regeneration Act 2008 to the Secretary of State in respect of the financial year.
- (3) The report must, in particular – 40

- (a) specify any direction given to the Office by the Secretary of State in the period to which it relates under section 197 of the Housing and Regeneration Act 2008, and
  - (b) contain a general description of complaints made to the Office in that period about the performance of registered providers of social housing and of how those complaints have been dealt with. 5
- (4) The HCA must send a report under this paragraph to the Secretary of State as soon as is reasonably practicable after preparing it.
- (5) The Secretary of State must lay the report before Parliament.

*Final accounts* 10

- 65 (1) As soon as is reasonably practicable after the abolition date, the HCA must prepare –
- (a) a statement of the accounts of the Office for the last financial year to end before the abolition date, and
  - (b) a statement of the accounts of the Office for the period (if any) beginning immediately after the end of that financial year and ending immediately before the abolition date. 15
- (2) A statement under this paragraph must be prepared in accordance with the direction given by the Secretary of State to the Office dated 12 August 2009.
- (3) The HCA must, as soon as is reasonable practicable after preparing a statement under this section, send a copy of it to the Secretary of State and the Comptroller and Auditor General. 20
- (4) The Comptroller and Auditor General must –
- (a) examine, certify and report on the statement, and
  - (b) lay a copy of the report before Parliament. 25
- (5) Sub-paragraph (1)(a) does not apply if the Office has already sent a copy of its statement of accounts for the year to the Comptroller and Auditor General.
- (6) In such a case the repeal of section 103(5) of the Housing and Regeneration Act 2008 does not remove the obligation of the Comptroller and Auditor General to take the steps specified in that provision in relation to the statement of accounts if the Comptroller has not already done so. 30

*General transitional and saving provisions*

- 66 (1) Section 92A of the Housing and Regeneration Act 2008 does not apply to an enactment or instrument if and to the extent that it makes provision about a time before the commencement of the insertion of that section by paragraph 26. 35
- (2) In relation to such a time –
- (a) references in Part 2 of that Act to “the regulator” are to the Office, and
  - (b) references in any other enactment or instrument to “the Regulator of Social Housing” are to the Office. 40
- (3) The transfer of functions from the Office to the HCA by virtue of this Schedule does not affect the validity of anything done (or having effect as if done) by or in relation to the Office before the transfer takes effect.

- (4) Anything that –
- (a) is done (or has effect as if done) by or in relation to the Office for the purposes of, or otherwise in connection with, a function transferred by virtue of this Schedule, and
  - (b) has effect immediately before the date on which the function is transferred,
- is to be treated as done by or in relation to the HCA. 5
- (5) There may be continued by or in relation to the HCA anything (including legal proceedings) that –
- (a) relates to a function transferred by virtue of this Schedule, and 10
  - (b) is in the process of being done by or in relation to the Office immediately before the date on which the function is transferred.
- (6) Sub-paragraph (7) applies to any document that –
- (a) relates to a function transferred by virtue of this Schedule, and
  - (b) is in effect immediately before the date on which the function is transferred. 15
- (7) Any references (however expressed) in the document to the Office are to be read, so far as is necessary for the purposes of the transfer, as references to the HCA.

*Interpretation* 20

- 67 In this Part of this Schedule –
- “the abolition date” means the date on which the repeal of section 81 of the Housing and Regeneration Act 2008 by Part 1 of this Schedule comes into force;
  - “financial year” mean the period of 12 months ending with 31 March in any year; 25
  - “the Office” means the Office for Tenants and Social Landlords constituted by Chapter 2 of the Housing and Regeneration Act 2008 as originally enacted.

SCHEDULE 17 Section 166 30

REGULATION OF SOCIAL HOUSING

- 1 Part 2 of the Housing and Regeneration Act 2008 (regulation of social housing) is amended as follows.
- 2 (1) Section 192 (overview of Chapter 6) is amended as follows.
- (2) In paragraph (a) for “198” substitute “198B”. 35
  - (3) In paragraph (d) for “complaints” substitute “the submission of information and opinions”.
- 3 (1) Section 193 (standards as to provision of social housing) is amended as follows.
- (2) In the heading for “Provision of social housing” substitute “Standards relating to consumer matters”. 40

- 
- (3) In subsection (2) omit paragraph (c).
- 4 (1) Section 194 (management of financial and other affairs of registered providers) is amended as follows.
- (2) In the heading for “Management” substitute “Standards relating to economic matters”. 5
- (3) In subsection (1) omit “the management of”.
- (4) After that subsection insert –
- “(1A) Standards under subsection (1) may, in particular, require private registered providers to comply with specified rules about – 10
- (a) the management of their financial and other affairs, and
- (b) their efficiency in carrying on their financial and other affairs.”
- (5) After subsection (2) insert –
- “(2A) The regulator may set standards for registered providers requiring them to comply with specified rules about their levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).” 15
- 5 (1) Section 195 (code of practice relating to standards) is amended as follows.
- (2) In subsection (1)(a) after “standard” insert “under section 194”.
- (3) In subsection (2) after “standards” insert “under that section”. 20
- 6 In section 197(1) (directions by Secretary of State as to standards) in each of paragraphs (a) and (b) after “193” insert “or 194”.
- 7 In section 198 (supplemental provision about standards) omit subsection (1).
- 8 After that section insert –
- “198A Failure to meet standard under section 193” 25**
- (1) Failure by a registered provider to meet a standard under section 193 (standards relating to consumers matters) is a ground for exercising a power in this Chapter or Chapter 7.
- (2) But a power to which this subsection applies may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that – 30
- (a) the failure has resulted in a serious detriment to the registered provider’s tenants or potential tenants, or
- (b) there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider’s tenants or potential tenants. 35
- (3) Subsection (2) applies to the powers conferred by any of the following –
- (a) section 199 (surveys);
- (b) section 201 (inspections); 40
- (c) section 206 (inquiries);
- (d) section 220 (enforcement notices);



- (e) section 227 (penalties);
  - (f) section 237 (compensation);
  - (g) section 247 (management tender);
  - (h) section 251 (appointment of manager).
- (4) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 193 is a ground for exercising a power in this Chapter. 5
- (5) But a power in this Chapter may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that, if the failure occurs – 10
- (a) the failure will result in a serious detriment to the registered provider’s tenants or potential tenants, or
  - (b) there will be a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider’s tenants or potential tenants. 15
- (6) In considering whether to exercise a power within subsection (1) or (4) on the ground mentioned in that subsection, the regulator must have regard to any information it has received from any of the following –
- (a) the Commission for Local Administration in England; 20
  - (b) a housing ombudsman appointed in accordance with a scheme approved under section 51 of the Housing Act 1996;
  - (c) any body appearing to the regulator to represent the interests of tenants of social housing in England;
  - (d) a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly or a parish council; 25
  - (e) a member of any of the bodies listed in paragraph (d);
  - (f) the Greater London Authority; 30
  - (g) a Member of Parliament;
  - (h) a fire and rescue authority under the Fire and Rescue Services Act 2004;
  - (i) the Health and Safety Executive;
  - (j) the Secretary of State. 35
- 198B Failure to meet standard under section 194**
- (1) Failure by a registered provider to meet a standard under section 194 (standards relating to economic matters) is a ground for exercising a power in this Chapter or Chapter 7 (if the power is otherwise exercisable in relation to a registered provider of that kind). 40
- (2) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 194 is a ground for exercising a power in this Chapter.”
- 9 (1) Section 201 (inspections) is amended as follows.
- (2) For subsection (2) substitute – 45
- “(2) The person may be a member of the regulator’s staff if the Secretary of State consents.

- (2A) Consent under subsection (2) may be general or specific.”
- (3) Omit subsection (3).
- (4) Omit subsection (6).
- (5) For subsection (7) substitute –
- “(7) Arrangements for a person other than a member of the regulator’s staff to carry out an inspection may include provision about payments.” 5
- (6) In subsection (7A) after “person” insert “other than a member of the regulator’s staff”.
- (7) Omit subsection (8). 10
- 10 (1) Section 202 (inspections: supplemental) is amended as follows.
- (2) In subsection (6) omit paragraph (c).
- (3) In subsection (7) –
- (a) at the end of paragraph (a) insert “and”, and
- (b) omit paragraph (c). 15
- 11 In section 203 (inspector’s powers) for subsection (12) substitute –
- “(12) In this section “inspector” means a person authorised in writing by the regulator to exercise the powers under this section for the purposes of an inspection under section 201.”
- 12 Omit section 204 (performance information). 20
- 13 Omit section 205 (publication of performance information).
- 14 (1) Section 215 (guidance on use of intervention powers) is amended as follows.
- (2) In subsection (1)(a) for “complaints” substitute “the submission of information”.
- (3) In subsection (2) for paragraphs (a) to (c) substitute “how the regulator will deal with the submissions it receives.” 25
- (4) Before subsection (3) insert –
- “(2A) Guidance under subsection (1)(b) must, in particular, specify how the regulator applies and intends to apply the tests in section 198A (use of certain powers in cases of failure or potential failure to comply with standards under section 193).” 30
- 15 In section 216 (consultation) –
- (a) before paragraph (a) insert –
- “(za) the Secretary of State,”, and
- (b) omit paragraph (d). 35
- 16 (1) Section 218 (exercise of enforcement powers) is amended as follows.
- (2) In subsection (1) for “This section” substitute “Subsection (2)”.
- (3) In subsection (2) omit paragraphs (b) and (c).

## (4) After that subsection insert –

“(3) Subsection (4) applies where the regulator is making a decision in relation to –

- (a) the exercise, on a ground other than one specified in section 198A(1) (failure to meet standard under section 193), of a power under this Chapter that is listed in section 198A(3), or
- (b) the exercise of a power under this Chapter that is not listed in section 198A(3).

5

(4) The regulator shall consider –

- (a) whether the failure or other problem concerned is serious or trivial;
- (b) whether the failure or other problem is a recurrent or isolated incident.”

10

## SCHEDULE 18

Section 170

## HOME INFORMATION PACKS: CONSEQUENTIAL AMENDMENTS

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*Terrorism Act 2000 (c. 11)*

1 In Schedule 3A to the Terrorism Act 2000 (regulated sector and supervisory authorities) in paragraph 2(1) (excluded activities) –

- (a) at the end of paragraph (d) insert “or”, and
- (b) omit paragraph (f).

20

*Proceeds of Crime Act 2002 (c. 29)*

2 In Schedule 9 to the Proceeds of Crime Act 2002 (regulated sector and supervisory authorities) in paragraph 2(1) (excluded activities) –

- (a) at the end of paragraph (d) insert “or”, and
- (b) omit paragraph (f).

25

*Housing and Regeneration Act 2008 (c. 17)*

3 In section 290(2)(e) of the Housing and Regeneration Act 2008 (power to make regulations) omit “made by virtue of Part 5 of the Housing Act 2004 (c. 34) (home information packs) or”.

## SCHEDULE 19

Section 182

30

## HOUSING AND REGENERATION: CONSEQUENTIAL AMENDMENTS

*Public Health Act 1961 (c. 64)*

1 In Schedule 4 to the Public Health Act 1961 (attachment of street lighting equipment to certain buildings) in the entry for a building owned by a development corporation established under the New Towns Act 1946 etc at the end insert “or the Greater London Authority so far as exercising its new towns and urban development functions.”

35

*Leasehold Reform Act 1967 (c. 88)*

- 2 In section 37(1)(ba)(i) of the Leasehold Reform Act 1967 (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

*Land Compensation Act 1973 (c. 26)*

5

- 3 In section 39(9)(b)(i) of the Land Compensation Act 1973 (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

*Rent (Agriculture) Act 1976 (c. 80)*

- 4 In section 5(3A) of the Rent (Agriculture) Act 1976 (definition of “English new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

10

*Rent Act 1977 (c. 42)*

- 5 In section 14(2) of the Rent Act 1977 (definition of “English new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

15

*Protection from Eviction Act 1977 (c. 43)*

- 6 In section 3A(8A)(a) of the Protection from Eviction Act 1977 (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

20

*Local Government, Planning and Land Act 1980 (c. 65)*

- 7 In section 93(1A) of the Local Government, Planning and Land Act 1980 (application of sections 95 to 96A to the Homes and Communities Agency) after “2008” insert “and to the Greater London Authority so far as it is exercising its new towns and urban development functions”.

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*Highways Act 1980 (c. 66)*

- 8 In section 219(4B)(a) (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

30

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 9 In Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading) in paragraph 2(5A)(a) (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

35

*Housing Act 1985 (c. 68)*

- 10 The Housing Act 1985 is amended as follows.

- |    |   |                        |
|----|---|------------------------|
| 11 | In section 4(1)(g)(i) (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.  |                        |
| 12 | In section 45(2) (restrictions on service charges payable after disposal of lease: disposals to which restrictions apply) in the definition of “public sector authority” after the entry for the Homes and Communities Agency insert –<br><br>“the Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions,”.  | 5<br><br>10            |
| 13 | (1) Section 80 (secure tenancies: the landlord condition) is amended as follows.<br><br>(2) In subsection (1) after “the Homes and Communities Agency” insert “, the Greater London Authority”.<br><br>(3) In subsection (2A) for the “or” at the end of paragraph (a) substitute –<br>“(aa) the Greater London Authority as mentioned in section 333ZI(2)(a) to (d) of the Greater London Authority Act 1999, or”.<br><br>(4) In subsection (2B) –<br>(a) after “Agency” insert “, the Greater London Authority”, and<br>(b) after “(2A)(a)” insert “, (aa)”.<br><br>(5) In subsection (2C) after “Agency” in both places insert “, the Greater London Authority”.<br><br>(6) In subsection (2D) after “Agency” in both places insert “, the Greater London Authority”.<br><br>(7) In subsection (2E) after “Agency” insert “, the Greater London Authority”.<br><br>(8) In subsection (5) –<br>(a) after the first “Agency” insert “, to the Greater London Authority”, and<br>(b) after the second “Agency” insert “, the Greater London Authority”. | 15<br><br>20<br><br>25 |
| 14 | In section 151B (right to buy: mortgage for securing redemption of landlord’s share) after subsection (5A) insert –<br><br>“(5B) In subsection (5) “the Relevant Authority” also includes the Greater London Authority.”  | 30                     |
| 15 | In section 156 (right to buy: liability to repay to be a charge on the premises) after subsection (4ZA) insert –<br><br>“(4ZB) In subsection (4) “the Relevant Authority” also includes the Greater London Authority.”  | 35                     |
| 16 | (1) Section 450A (right to a loan in respect of service charges after exercise of right to buy) is amended as follows.<br><br>(2) In subsection (5A) after “6A(4)” insert “and in the case of a property outside Greater London”.   | 40                     |

- (3) After that subsection insert –
- “(5B) In subsection (4)(a) “the Relevant Authority”, in relation to a housing association falling within section 6A(4) and in the case of a property in Greater London, means the Greater London Authority.”
- 17 In section 450B(1)(a) (power to make loans in other cases) after “Agency” insert “or the Greater London Authority”. 5
- 18 In section 453(1)(b) (further advances in case of disposal on shared ownership lease) after “Agency” insert “or the Greater London Authority”.
- 19 In section 458(1) (loans for acquisition or improvement of housing: minor definitions) in the definition of “housing authority” after “Agency,” insert “the Greater London Authority,”. 10
- 20 In Schedule 4 (qualifying period for right to buy and discount) in paragraph 7B for the “or” at the end of paragraph (a) substitute –  
“(aa) the Greater London Authority, or”.
- 21 In Schedule 5 (exceptions to the right to buy) in paragraph 3 – 15
- (a) in the entry in the list for section 19 of the Housing and Regeneration Act 2008 omit the words from “(and” to “Act)”, and
- (b) after the end of that entry (but not as an entry in that list) insert –  
“or a grant from the Greater London Authority which was a grant made on condition that the housing association provides social housing. 20  
In this paragraph “provides social housing” has the same meaning as in Part 1 of the Housing and Regeneration Act 2008.”
- Landlord and Tenant Act 1985 (c. 70)* 25
- 22 In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of “new town corporation” for the “or” at the end of paragraph (b) substitute –  
“(ba) the Greater London Authority so far as exercising its new towns and urban development functions, or”. 30
- Landlord and Tenant Act 1987 (c. 31)*
- 23 In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords) after paragraph (df) insert –  
“(dg) the Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions;”. 35
- Income and Corporation Taxes Act 1988 (c. 1)*
- 24 In section 376(4) of the Income and Corporation Taxes Act 1988 (qualifying lenders) after paragraph (j) insert –  
“(ja) the Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions;”. 40

*Housing Act 1988 (c. 50)*

- 25 The Housing Act 1988 is amended as follows.
- 26 In section 35(4)(ba) (tenancies which are secure tenancies) after “Agency” insert “, the Greater London Authority”.
- 27 In section 38(5A)(b)(i) (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”. 5
- 28 In section 52(9A) (recovery of grants: interpretation) in the definition of “the appropriate authority” –
- (a) in paragraph (a) after “association” insert “and property outside Greater London”, and 10
- (b) for the “and” at the end of that paragraph substitute –
- “(aa) in relation to an English relevant housing association and property in Greater London, means the Greater London Authority, and”. 15

*Water Industry Act 1991 (c. 56)*

- 29 In section 219(1) of the Water Industry Act 1991 (general interpretation) in the definition of “new towns residuary body” after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”. 20

*Water Resources Act 1991 (c. 57)*

- 30 In section 72(2A) of the Water Resources Act 1991 (definition of “new towns residuary body”) after “2008” insert “or the Greater London Authority so far as exercising its new towns and urban development functions”.

*Social Security Administration Act 1992 (c. 5)* 25

- 31 In section 191 of the Social Security Administration Act 1992 (general interpretation) in paragraph (a) of the definition of “new town corporation” at the end of sub-paragraph (ii) insert “; or
- (iii) the Greater London Authority so far as exercising its new towns and urban development functions;”. 30

*Taxation of Chargeable Gains Act 1992 (c. 12)*

- 32 In section 219(1)(d) of the Taxation of Chargeable Gains Act 1992 (disposals by housing related bodies) in paragraph (d) for “or the Homes and Communities Agency” substitute “, the Homes and Communities Agency or the Greater London Authority.” 35

*Housing Act 1996 (c. 52)*

- 33 The Housing Act 1996 is amended as follows.
- 34 (1) Section 51 (schemes for investigation of complaints against social landlords) is amended as follows.
- (2) In subsection (3)(a) – 40

- (a) in the entry in the list for section 19 of the Housing and Regeneration Act 2008 omit the words from “(and” to “Act)”, and
- (b) at the end of the entry in the list for section 50 of the Housing Act 1988 etc (but not as an entry in that list) insert –  
“or a grant from the Greater London Authority which was a grant made on condition that the housing association provides social housing; or”. 5
- (3) After that subsection insert –  
“(3A) In subsection (3) “provides social housing” has the same meaning as in Part 1 of the Housing and Regeneration Act 2008.” 10
- 35 In section 219(4)(a) (directions as to charges by social landlords: meaning of social landlord) after “Agency,” insert “the Greater London Authority,”.

*Greater London Authority Act 1999 (c. 29)*

- 36 The Greater London Authority Act 1999 is amended as follows.
- 37 (1) Section 38 (delegation) is amended as follows. 15
- (2) In subsection (2) (persons to whom functions exercisable by the Mayor may be delegated) before paragraph (e) insert –  
“(db) the Homes and Communities Agency;”.
- (3) In subsection (3) (cases where delegation to body requires its consent) after “In the case of” insert “the Homes and Communities Agency;”. 20
- (4) In subsection (7) (power to exercise delegated functions where no existing power to do so) before paragraph (c) insert –  
“(bb) the Homes and Communities Agency;”.
- (5) Before subsection (9) insert –  
“(8B) An authorisation given by the Mayor under subsection (1) above to the Homes and Communities Agency in relation to a function does not prevent the Mayor from exercising the function.” 25
- 38 (1) In section 73(6), in the substituted subsection (2) of section 5 of the Local Government and Housing Act 1989 (reports by monitoring officer), the definition of “GLA body or person” is amended as follows. 30
- (2) Before paragraph (d) insert –  
“(ca) the Homes and Communities Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”. 35
- (3) Before paragraph (h) insert –  
“(gb) any committee or sub-committee of the Homes and Communities Agency when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”. 40



- (4) Before the closing words insert—
- “(mb) any member, or member of staff, of the Homes and Communities Agency when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

*Finance Act 2003 (c. 14)*

- 39 The Finance Act 2003 is amended as follows.
- 40 In section 71(4) (stamp duty land tax: reliefs for acquisitions by registered social landlords) after paragraph (ca) insert—
- “(cb) made or given by the Greater London Authority;”.
- 41 (1) Schedule 9 (stamp duty land tax: rights to buy, shared ownership leases etc) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (3) after the entry relating to the Homes and Communities Agency insert—
- “The Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions”, and
- (b) after sub-paragraph (6) insert—
- “(7) A grant by the Greater London Authority which—
- (a) is made by virtue of section 35 of the Housing and Regeneration Act 2008 as applied by section 333ZE of the Greater London Authority Act 1999, or
- (b) is otherwise made to a relevant provider of social housing (within the meaning of section 35 of the Housing and Regeneration Act 2008) in respect of discounts given by the provider on disposals of dwellings to tenants,
- does not count as part of the chargeable consideration for a right to buy transaction to which the vendor is a relevant provider of social housing.”
- (3) In paragraph 5—
- (a) in sub-paragraph (2) after paragraph (e) insert—
- “(ea) the Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions;”, and
- (b) in sub-paragraph (2A)—
- (i) after “financial assistance” insert “made or given”, and
- (ii) after “2008” insert “or by the Greater London Authority”.
- (4) In paragraph 7(8)—
- (a) after “financial assistance” insert “made or given”, and
- (b) after “2008” insert “or by the Greater London Authority”.

*Finance Act 2004 (c. 12)*

- 42 (1) Section 59 of the Finance Act 2004 (construction industry scheme: contractors) is amended as follows.
- (2) In subsection (1) after paragraph (f) insert –
- “(fa) the Greater London Authority in the exercise of its functions relating to housing or regeneration or its new towns and urban development functions;” 5
- (3) In subsection (2) for “(f)” substitute “(fa)”.

*National Health Service Act 2006 (c. 41)*

- 43 The National Health Service Act 2006 is amended as follows. 10
- 44 In section 256(2) (bodies to which PCTs may make payments in connection with provision of housing accommodation) after paragraph (ba) insert –
- “(bb) the Greater London Authority;”.
- 45 In section 268(3) (bodies with whom arrangements may be made for provision of accommodation to persons displaced by health service development) after paragraph (d) insert – 15
- “(da) the Greater London Authority;”.

*Housing and Regeneration Act 2008 (c. 17)*

- 46 The Housing and Regeneration Act 2008 is amended as follows.
- 47 In section 4(6) (application of rules about the exercise of the Homes and Communities Agency’s specific powers) before the “and” at the end of paragraph (a) insert – 20
- “(aa) subsection (2) does not apply to the exercise of a function by the HCA in consequence of an authorisation under section 38 of the Greater London Authority Act 1999 (delegation by Mayor);” 25
- 48 In section 112(4) (duty to consult before setting criteria for voluntary registration) before paragraph (b) insert –
- “(aa) the Greater London Authority;”.
- 49 In section 145 (moratorium) before the table insert – 30
- “(5) Where the private registered provider owns land in Greater London, the regulator shall give the Greater London Authority a copy of any notice received under this section.”
- 50 (1) Section 146 (duration of moratorium) is amended as follows.
- (2) After subsection (4) insert – 35
- “(4A) If the regulator extends a moratorium in respect of a private registered provider who owns land in Greater London, the regulator shall also notify the Greater London Authority.”

	(3) Before subsection (9) insert –	
	“(8A) When a moratorium in respect of a private registered provider who owns land in Greater London ends, the regulator shall also give notice to the Greater London Authority.”	
51	In section 147 (further moratorium) after subsection (4) insert –	5
	“(4A) If the regulator imposes a new moratorium in respect of a private registered provider who owns land in Greater London, the regulator shall also notify the Greater London Authority.”	
52	In section 174(5) (procedure for consent to disposal of social housing) before paragraph (b) insert –	10
	“(aa) the Greater London Authority,”.	
53	In section 178(3) (private registered provider’s use of proceeds from disposals) for the words from “to the HCA” to the end substitute “ –	
	(a) in the case of sums representing net disposal proceeds relating to property outside Greater London, to the HCA, and	15
	(b) in the case of sums representing net disposal proceeds relating to property in Greater London, to the Greater London Authority.”	
54	In section 196(1) (consultation on standards and codes of practice) after paragraph (e) insert –	20
	“(ea) the Greater London Authority,”.	
55	In section 197(4) (direction by Secretary of State) after paragraph (a) insert –	
	“(aa) the Greater London Authority,”.	
56	In section 216 (consultation on use of intervention powers) after paragraph (b) insert –	25
	“(ba) the Greater London Authority,”.	
57	In section 222 (notification of use of enforcement notice) before paragraph (b) insert –	
	“(aa) in the case of an enforcement notice given to registered provider who owns land in Greater London, the Greater London Authority, and”.	30
58	In section 230(2) (pre-penalty warning) before paragraph (b) insert –	
	“(aa) the Greater London Authority (if the pre-penalty warning is given to a registered provider who owns land in Greater London), and”.	35
59	Before section 233 insert –	
	<b>“232A Notifying the Greater London Authority</b>	
	If the regulator imposes a penalty on a registered provider who owns land in Greater London, it must send a copy of the penalty notice to the Greater London Authority.”	40
60	In section 242(3) (pre-compensation warning) before paragraph (b) insert –	
	“(aa) the Greater London Authority (if the pre-compensation warning is given to a registered provider who owns land in Greater London), and”.	

- 61 (1) Section 248 (supplemental provisions about management tenders) is amended as follows.
- (2) In subsection (4) before paragraph (b) insert—
- “(aa) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London),” 5
- (3) In subsection (7) before paragraph (d) insert—
- “(ca) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London),”.
- (4) In subsection (8) before paragraph (b) insert—
- “(aa) in the case of a requirement imposed on a registered provider who owns land in Greater London, to the Greater London Authority, and” 10
- 62 (1) Section 250 (supplemental provisions about management transfer) is amended as follows.
- (2) In subsection (4) before paragraph (b) insert— 15
- “(aa) in the case of a notice given to a registered provider who owns land in Greater London, the Greater London Authority,”.
- (3) In subsection (7) before paragraph (d) insert—
- “(ca) if the requirement would be imposed on a registered provider who owns land in Greater London, the Greater London Authority,” 20
- (4) In subsection (8) before paragraph (b) insert—
- “(aa) in the case of a requirement imposed on a registered provider who owns land in Greater London, to the Greater London Authority, and” 25
- 63 (1) Section 252 (supplemental provisions about appointment of managers) is amended as follows.
- (2) In subsection (4) before paragraph (b) insert—
- “(aa) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London), and” 30
- (3) Before subsection (8) insert—
- “(7A) The regulator must notify the Greater London Authority of an appointment or requirement under section 251(2) in respect of a registered provider who owns land in Greater London.” 35

## SCHEDULE 20

Section 182

## ABOLITION OF LONDON DEVELOPMENT AGENCY: CONSEQUENTIAL AMENDMENTS

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 1 In section 1(4) of the Local Authorities (Goods and Services) Act 1970, in the definition of “local authority” for “, Transport for London and the London Development Agency” substitute “and Transport for London”. 5

*Local Government Finance Act 1988 (c. 41)*

- 2 In section 115(4A) of the Local Government Finance Act 1988 (duties as regards reports under section 114) – 10
- (a) omit “the London Development Agency or”, and
  - (b) for the words from “neither” to “shall” substitute “paragraph 7 of Schedule 10 to the 1999 Act (delegation by Transport for London) shall not”.

*Audit Commission Act 1998 (c. 18)*

- 3 In section 11(8A) of the Audit Commission Act 1998 (which prevents delegation of duties under the section as regards reports etc) – 15
- (a) omit “the London Development Agency or”, and
  - (b) for the words from “neither” to “shall” substitute “paragraph 7 of Schedule 10 to the Greater London Authority Act 1999 (delegation by Transport for London) shall not”. 20

*Greater London Authority Act 1999 (c. 29)*

- 4 The Greater London Authority Act 1999 is amended as follows.
- 5 In section 38(8) (application of section 101 of the Local Government Act 1972) after paragraph (a) insert “or”.
- 6 In section 127(4) (“officers” in section 127(2)(b) includes, in the case of Transport for London or the London Development Agency, its members) for the words after “in the case of Transport for London” substitute “, includes a reference to its members.” 25
- 7 In section 362(3)(b) (air quality strategy to contain information about measures to be taken by the Authority, Transport for London and the London Development Agency) for “, Transport for London and the London Development Agency” substitute “and Transport for London”. 30
- 8 In section 380(10) (application of section 101 of the Local Government Act 1972) after paragraph (a) insert “or”.

*London Olympic Games and Paralympic Games Act 2006 (c. 12)* 35

- 9 In section 10(4) of the London Olympic Games and Paralympic Games Act 2006 (matters to which regard to be had when Olympic Transport Plan being prepared or revised) for paragraph (c) (the London Development Agency’s strategy) substitute – 40
- “(c) the Economic development strategy for London prepared in accordance with section 333F of that Act.”

SCHEDULE 21

Section 185

MAYORAL DEVELOPMENT CORPORATIONS

*Membership*

- 1 (1) A Mayoral development corporation (“MDC”) is to consist of such number of members (being not less than six) as the Mayor of London (“the Mayor”) may from time to time appoint. 5
- (2) The Mayor must appoint one of the members of an MDC to chair the MDC.
- (3) In appointing a person to be a member of an MDC, the Mayor –
  - (a) must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the carrying-out of the MDC’s functions, and 10
  - (b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person’s functions as member.
- (4) The Mayor may require any person whom the Mayor proposes to appoint as a member to provide such information as the Mayor considers necessary for the purposes of sub-paragraph (3)(b). 15

*Terms of appointment of members*

- 2 (1) Subject as follows, a member of an MDC holds and vacates office in accordance with the member’s terms of appointment. 20
- (2) A member may resign by serving notice on the Mayor.
- (3) A person appointed to chair an MDC –
  - (a) may resign that appointment, whether or not the person also resigns from membership of the MDC, by serving notice on the Mayor;
  - (b) ceases to hold that appointment if the person ceases to be a member of the MDC. 25
- (4) A person who –
  - (a) ceases to be a member of an MDC, or
  - (b) ceases to be the person appointed to chair an MDC,is eligible for reappointment. 30
- (5) The Mayor may remove a member of an MDC if –
  - (a) the member has been absent from meetings of the MDC for more than 3 months without the permission of the MDC,
  - (b) the member has become bankrupt or has made an arrangement with the member’s creditors, 35
  - (c) a debt relief order is made in respect of the member (see Part 7A of the Insolvency Act 1986) or the member is a person in respect of whom a debt relief restrictions order has effect (see Schedule 4ZB to that Act), or
  - (d) in the opinion of the Mayor, the member has failed to comply with the member’s terms of appointment or is otherwise unable, unfit or unsuitable to exercise the member’s functions as a member of the MDC. 40

*Staff*

- 3 (1) Before an MDC appoints staff it must obtain the Mayor’s agreement to the terms and conditions on which the appointments are to be made.
- (2) An MDC’s power to appoint a chief executive may, in the case of the MDC’s first chief executive, be exercised by the Mayor. 5
- (3) An MDC’s chief executive is a member of its staff.

*Remuneration etc: members and staff*

- 4 (1) An MDC may pay to or in respect of its members –
- (a) remuneration,
- (b) travelling and other allowances, and 10
- (c) sums by way of, or in respect of, pensions and gratuities.
- (2) The Mayor is to determine rates and eligibility criteria for payments under sub-paragraph (1).
- (3) If the Mayor thinks that there are special circumstances that make it right to compensate a person on ceasing to be a member of an MDC, the MDC may pay compensation determined by the Mayor. 15
- (4) Payments under sub-paragraph (1) or (3), other than travelling and subsistence allowances, are not to be made to a member of an MDC who is also a member of the London Assembly, but this does not prevent payment of an allowance under sub-paragraph (1) to the person appointed to chair an MDC in respect of that office. 20
- (5) An MDC may pay to or in respect of its staff –
- (a) remuneration,
- (b) travelling and other allowances, and
- (c) sums by way of, or in respect of, pensions and gratuities. 25
- (6) Rates and eligibility criteria for payments made by an MDC under sub-paragraph (5) are to be determined by the MDC with the agreement of the Mayor.
- (7) In this paragraph “member” includes former member and “staff” includes former staff. 30

*Status*

- 5 (1) An MDC (and any member of an MDC or of an MDC’s staff) –
- (a) is not the servant or agent of the Crown, and
- (b) does not share any immunity or privilege of the Crown.
- (2) An MDC’s property is not to be regarded as property of, or property held on behalf of, the Crown. 35

*Committees*

- 6 (1) An MDC may establish committees.
- (2) A committee may establish sub-committees.

- (3) A committee or sub-committee may, with the agreement of the Mayor, include persons who are not members of the MDC, but a majority of the members of a committee or sub-committee must be members of the MDC.

*Delegation*

- 7 (1) An MDC may delegate any of its functions to any of its members, committees or staff. 5
- (2) A committee of an MDC may delegate any function conferred on it to –
- (a) any member of the MDC,
  - (b) any sub-committee of the committee, or
  - (c) any of the MDC’s staff. 10
- (3) A sub-committee of a committee of an MDC may delegate any function conferred on it to –
- (a) any member of the MDC, or
  - (b) any of the MDC’s staff.

*Proceedings and meetings* 15

- 8 (1) An MDC may, subject to any directions given by the Mayor, decide –
- (a) its own procedure,
  - (b) the procedure of any of its committees, and
  - (c) the procedure of any sub-committee of any of its committees.
- (2) Subject to sub-paragraph (1), a committee may decide the procedure of any of its sub-committees. 20
- (3) Subject to sub-paragraphs (1) and (2), a committee or sub-committee may decide its own procedure.
- (4) In this paragraph “procedure” includes quorum.
- 9 The validity of any proceeding of an MDC is not affected by – 25
- (a) its having fewer than six members,
  - (b) there being no person appointed to chair it, or
  - (c) any defect in the appointment of any of its members or of the person appointed to chair it.

*Annual report (and “financial year”)* 30

- 10 (1) As soon as reasonably practicable after the end of each financial year, an MDC must –
- (a) prepare an annual report on how it has exercised its functions during the year,
  - (b) include in the report a copy of its audited statement of accounts for the year, and 35
  - (c) send a copy of the report to the Mayor and to the London Assembly.
- (2) “Financial year”, in relation to an MDC, means a period of 12 months ending with 31 March.



*Seal etc*

- 11 (1) The application of an MDC’s seal is to be authenticated by –
- (a) the person appointed to chair the MDC, or
  - (b) another member of the MDC, or some other person, authorised (generally or specially) for that purpose. 5
- (2) A document purporting to be duly executed under the seal of an MDC or signed on its behalf –
- (a) is to be received in evidence, and
  - (b) is to be treated as so executed or signed unless the contrary is shown.

*House of Commons Disqualification Act 1975 (c. 24)* 10

- 12 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies all of whose members are disqualified) at the appropriate place insert –
- “A Mayoral development corporation (see section 185 of the Localism Act 2011).” 15

## SCHEDULE 22

Section 209

## MAYORAL DEVELOPMENT CORPORATIONS: CONSEQUENTIAL AND OTHER AMENDMENTS

*Leasehold Reform Act 1967 (c. 88)*

- 1 In paragraph 2 of Schedule 4A to the Leasehold Reform Act 1967 (exclusion of certain shared ownership leases granted by public authorities) in subparagraph (2) after paragraph (bb) insert –
- “(bc) a Mayoral development corporation;”.
- 20

*Local Government Act 1972 (c. 70)*

- 2 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 100J(1) (authorities treated as principal councils for purposes of Part 5A) after paragraph (g) insert –
- “(h) a Mayoral development corporation.” 25
- (3) In section 100J(3) (reference in section 100A(6)(a) to council’s offices includes other premises at which meeting to be held) for “or (f)” substitute “, (f) or (h)”. 30
- (4) In section 100J after subsection (3ZA) insert –
- “(3ZAA) In its application by virtue of subsection (1)(h) above in relation to a Mayoral development corporation, section 100E(3) has effect as if for paragraphs (a) to (c) there were substituted –
- “(a) a committee which is established under Schedule 21 to the Localism Act 2011 by a principal council, or 35
  - (b) a sub-committee established under that Schedule by a committee within paragraph (a).”

(5) In section 100J(4)(b) (disapplication of duty to state ward or division for which member represents) after “in relation to” insert “a Mayoral development corporation, or”.

(6) In section 100K(1) (interpretation of Part 5A) in the definition of “committee or sub-committee of a principal council” before the second “above” insert “and (3ZAA)”.

*Local Government Act 1974 (c. 7)*

3 In section 25(1) of the Local Government Act 1974 (authorities subject to investigation by a Local Commissioner) after paragraph (bd) insert –  
“(bda) a Mayoral development corporation,”.

*Rent Act 1977 (c. 42)*

4 In section 14(1) of the Rent Act 1977 (tenancy not protected if landlord is listed body) after paragraph (g) insert –  
“(ga) a Mayoral development corporation;”.

*Protection from Eviction Act 1977 (c. 43)*

5 In section 3A(8) of the Protection from Eviction Act 1977 (licence to stay in hostel excluded if hostel provided by listed body) after paragraph (d) insert –  
“(da) a Mayoral development corporation;”.

*Acquisition of Land Act 1981 (c. 67)*

- 6 (1) The Acquisition of Land Act 1981 is amended as follows.
- (2) In section 17(3) (special parliamentary procedure does not apply to acquisition by certain public bodies) after “an urban development corporation” insert “, a Mayoral development corporation”.
- (3) In section 31(1) (acquisition under certain Acts of statutory undertakers’ land without a certificate) before the “or” at the end of paragraph (c) insert –  
“(ca) section 194(2) of the Localism Act 2011 (acquisition by Mayoral development corporation),”.
- (4) In paragraph 4(3) of Schedule 3 (special parliamentary procedure does not apply to acquisition by certain public bodies) after “an urban development corporation” insert “, a Mayoral development corporation”.

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

7 In paragraph 2(5) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading: designation of streets: meaning of “relevant corporation”) after paragraph (b) insert –  
“(ba) a Mayoral development corporation;”.

*Housing Act 1985 (c. 68)*

8 The Housing Act 1985 is amended as follows.

9 In section 45(2) in the definition of “public sector authority” after the entry

	for an urban development corporation insert – “a Mayoral development corporation,”.	
10	In section 80(1) (secure tenancies: the landlord condition) before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	5
11	In section 114(1) (meaning of “landlord authority”) before the entry for a housing action trust insert – “a Mayoral development corporation,”.	
12	In section 171(2) (section applies to interests held by certain bodies) after the entry for an urban development corporation insert – “a Mayoral development corporation,”.	10
13	In section 458(1) (Part 14: minor definitions) in the definition of “housing authority” after “an urban development corporation,” insert “a Mayoral development corporation,”.	
14	In paragraph 2(1) of Schedule 1 (tenancy not secure if tenant employed by landlord or certain bodies) before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	15
15	In Part 1 of Schedule 2 (grounds on which court may order possession of dwelling-house let under secure tenancy if it considers it reasonable) in paragraph (a) of Ground 7 before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	20
16	In Part 3 of Schedule 2 (grounds on which court may order possession of dwelling-house let under secure tenancy if it considers it reasonable and suitable alternative accommodation is available) in paragraph (a) of Ground 12 before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	25
17	In Schedule 3 (grounds for withholding consent to assignment by way of exchange) in paragraph (b) of Ground 5 before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	30
18	In Schedule 4 (qualifying period for right to buy etc) in paragraph 7(1) (the landlord condition) after the entry for an urban development corporation insert – “a Mayoral development corporation,”.	35
19	In Schedule 5 (exceptions to right to buy) in paragraph 5(1)(b) (letting to employees of certain bodies) before the entry for an urban development corporation insert – “a Mayoral development corporation,”.	40
<i>Landlord and Tenant Act 1985 (c. 70)</i>		
20	In section 14(4) of the Landlord and Tenant Act 1985 (section 11 does not apply to a post-1980 lease granted to a listed body) after the entry for an urban development corporation insert – “a Mayoral development corporation,”.	45

*Landlord and Tenant Act 1987 (c. 31)*

- 21 In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords) after paragraph (b) insert –  
 “(ba) a Mayoral development corporation;”.

*Local Government Act 1988 (c. 9)*

5

- 22 In Schedule 2 to the Local Government Act 1988 in the list of public authorities after the entry for an urban development corporation insert –  
 “A Mayoral development corporation.”

*Local Government Finance Act 1988 (c. 41)*

- 23 In the Local Government Finance Act 1988 after section 48 insert – 10

**“48A Discretionary relief: functions of Mayoral development corporations**

- (1) The Mayor of London may require a billing authority to provide the Mayor with information to assist the Mayor with making decisions under section 201 of the Localism Act 2011 (Mayor’s power to decide that a Mayoral development corporation should have functions under section 47 above). 15
- (2) A Mayoral development corporation which has, or expects to have, functions under section 47 above may require a billing authority to provide the corporation with information to assist the corporation to exercise functions under that section. 20
- (3) A billing authority must comply with a requirement imposed on it under subsection (1) or (2) above so far as the requirement relates to information available to the billing authority.
- (4) A person to whom information is provided in response to a requirement imposed under subsection (1) or (2) above may use the information only for the purposes for which it was sought. 25
- (5) The Secretary of State may by regulations make transitional provision in connection with, or in anticipation of, a Mayoral development corporation –  
 (a) beginning to exercise functions under section 47 above, or  
 (b) ceasing to exercise functions under that section. 30
- (6) The Secretary of State may by regulations make provision about payment by a Mayoral development corporation to a billing authority of amounts –  
 (a) as regards the operation of section 47 above in cases where the corporation has exercised functions under that section;  
 (b) as regards costs of collection and recovery in such cases.” 35

*Housing Act 1988 (c. 50)*

- 24 The Housing Act 1988 is amended as follows.
- 25 In section 35(4) (tenancies which can be secure tenancies) after paragraph (a) 40

	insert –	
	“(aa) the interest of the landlord belongs to a Mayoral development corporation; or”.	
26	In section 38(5) (when landlord’s interest is held by a public body) after paragraph (a) insert –	5
	“(aa) it belongs to a Mayoral development corporation; or”.	
27	In section 89(1) (housing action trust and urban development corporation may enter in agreement for supply of goods and services) after “1980,” insert “or a housing action trust and a Mayoral development corporation.”	
28	In paragraph 12(1) of Schedule 1 (tenancy cannot be assured tenancy if landlord is listed body) after paragraph (d) insert –	10
	“(da) a Mayoral development corporation;”.	
<i>Town and Country Planning Act 1990 (c. 8)</i>		
29	The Town and Country Planning Act 1990 is amended as follows.	
30	In section 2A (power for Mayor to call in planning applications) after subsection (1) insert –	15
	“(1A) Subsection (1) does not apply if the local planning authority is a Mayoral development corporation.”	
31	After section 7 insert –	
	<b>“7A Mayoral development areas</b>	20
	(1) Subsection (2) applies where an order under section 185(2) of the Localism Act 2011 gives effect to any decision under section 189(2) or (5) of that Act as a result of which a Mayoral development corporation is for any area to be the local planning authority for the purposes of Part 3 of this Act.	25
	(2) The Mayoral development corporation is the local planning authority for that area for those purposes in place of any authority who would otherwise be the local planning authority for that area for those purposes.	
	(3) Subsection (4) applies where an order under section 185(2) of that Act gives effect to any decision under section 189(3) or (5) of that Act as a result of which a Mayoral development corporation is for any area to have the functions referred to in section 189(3) of that Act.	30
	(4) The Mayoral development corporation has those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.	35
	(5) If an order under section 185(2) of that Act is amended to give effect to a decision under section 191(2) of that Act that limits the effect of a decision under section 189 of that Act, subsection (2) or (4), or each of them, applies accordingly.”	40
32	After section 165 (Secretary of State may acquire land blighted by proposed	

new town or urban development area) insert –

**“165ZA Power of Greater London Authority to acquire land affected by designation of Mayoral development area where blight notice served**

- (1) Where a blight notice has been served in respect of land falling within paragraph 9A of Schedule 13 then, until such time as a Mayoral development corporation is established for the Mayoral development area, the Greater London Authority has power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph. 5
- (2) Where the Greater London Authority acquires an interest under subsection (1), then – 10
- (a) if the land is or becomes land within paragraph 9A(b) of Schedule 13, the interest is to be transferred by the Authority to the Mayoral development corporation established for the Mayoral development area; and 15
- (b) in any other case, the interest may be disposed of by the Authority in such manner as the Authority thinks fit.
- (3) The Land Compensation Act 1961 has effect in relation to the compensation payable in respect of the acquisition of an interest by the Greater London Authority under subsection (1) as if – 20
- (a) the acquisition were by a Mayoral development corporation under Chapter 2 of Part 7 of the Localism Act 2011; and
- (b) the land formed part of an area for which a Mayoral development corporation has been established.”
- 33 In section 169 (meaning of “appropriate authority”) after subsection (4) insert – 25
- “(4A) In relation to land falling within paragraph 9A of Schedule 13, until such time as a Mayoral development corporation is established for the Mayoral development area, this Chapter has effect as if “the appropriate authority” were the Mayor of London.” 30
- 34 In section 170(5) (meaning of “appropriate enactment” in the case of a development corporation or urban development corporation) –
- (a) for “or 9” insert “, 9 or 9A”, and
- (b) after “is established for the urban development area” insert “or a Mayoral development corporation is established for the Mayoral development area”. 35
- 35 (1) Paragraph 5 of Schedule 1 (when local highway authority may impose restrictions on grant of planning permission) is amended as follows.
- (2) For sub-paragraph (2) (sub-paragraph (1) does not apply to urban development corporations) substitute – 40
- “(2) The reference to a local planning authority in sub-paragraph (1) is to be construed as including neither –
- (a) a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the Local Government, Planning and Land Act 1980, nor 45

	(b) a reference to a Mayoral development corporation which is the local planning authority by virtue of an order under section 185(2) of the Localism Act 2011, and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.”	5
(3)	In subsection (3) after “urban development corporation who are the local planning authority” insert “, or by a Mayoral development corporation which is the local planning authority,”.	
36	In Schedule 13 (blighted land) after paragraph 9 insert –	10
	“9A Land which is within an area designated under section 184 of the Localism Act 2011 as a Mayoral development area where –	
	(a) an order under section 185(2) of that Act establishing a Mayoral development corporation for the area has not been made or has been made but has not come into effect; or	15
	(b) such an order has come into effect.”	
<i>Planning (Hazardous Substances) Act 1990 (c. 10)</i>		
37	In section 3(4) of the Planning (Hazardous Substances) Act 1990 (when urban development corporation is hazardous substances authority) after “urban development corporation” insert “or a Mayoral development corporation”.	20
<i>Water Industry Act 1991 (c. 56)</i>		
38	The Water Industry Act 1991 is amended as follows.	
39	In section 41(2) (persons who may require provision of a water main) after paragraph (c) insert –	25
	“(ca) where the whole or any part of that locality is situated within a Mayoral development area, the Mayoral development corporation;”.	
40	In section 97(5) (performance of sewerage undertaker’s functions by relevant authorities: interpretation) –	30
	(a) in the definition of “relevant area” after paragraph (a) insert –	
	“(aa) in relation to the Mayoral development corporation for any Mayoral development area, means that area;”	35
	(b) in the definition of “relevant authority” after paragraph (a) insert –	
	“(aa) the Mayoral development corporation for any Mayoral development area;”.	
41	In section 98(2) (persons who may require provision of a public sewer) after paragraph (c) insert –	40
	“(ca) where the whole or any part of that locality is situated within a Mayoral development area, the Mayoral development corporation;”.	

*Channel Tunnel Rail Link Act 1996 (c. 61)*

- 42 In paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (“public sewer or drain” includes one owned by certain public bodies) after “an urban development corporation” insert “, a Mayoral development corporation”.

5

*Greater London Authority Act 1999 (c. 29)*

- 43 The Greater London Authority Act 1999 is amended as follows.

- 44 (1) Amend section 31 (limits of the general power) as follows.

- (2) In subsection (1) (no power to incur expenditure on things which may be done by a functional body other than the London Development Agency) for “by a functional body other than the London Development Agency” substitute “by –

10

- (a) Transport for London;  
 (b) the Mayor’s Office for Policing and Crime; or  
 (c) the London Fire and Emergency Planning Authority.”

15

- (3) After subsection (1) insert –

- “(1A) In determining whether to exercise the power conferred by section 30(1) above, the Authority must seek to secure that it does not incur expenditure in doing anything which is being done by a Mayoral development corporation.”

20

- 45 (1) Amend section 38 (delegation) as follows.

- (2) In subsection (2) (persons to whom functions exercisable by the Mayor may be delegated) after paragraph (d) insert –  
 “(da) any Mayoral development corporation;”.

- (3) In subsection (7) (power to exercise delegated functions where no existing power to do so) after paragraph (b) insert –  
 “(ba) any Mayoral development corporation;”.

25

- (4) After subsection (8) (further delegation, and Mayor’s power to continue to continue to exercise delegated functions) insert –

- “(8A) An authorisation given by the Mayor under subsection (1) above to a Mayoral development corporation in relation to a function does not prevent the Mayor from exercising the function.”

30

- 46 In section 60A(3) (offices where confirmation process applies) after the entry for the chairman of the London Fire and Emergency Planning Authority insert –

35

“person appointed to chair a Mayoral development corporation (see paragraph 1 of Schedule 21 to the Localism Act 2011);”.

- 47 (1) Amend section 68 (disqualification and political restriction) as follows.

- (2) In subsection (2) (application of disqualification and political restriction to certain bodies) after paragraph (b) insert –

40

“(ba) a Mayoral development corporation.”



- (3) In subsection (3) (person appointed by Mayor as a member of his staff under section 67(1) not disqualified from becoming an unpaid member of Transport for London) after “Transport for London” insert “or a Mayoral development corporation”.
- (4) In subsection (6) (“statutory chief officer” to include chief finance officer) – 5
- (a) after “London,” in paragraph (a) insert “and
- (aa) of a Mayoral development corporation,” and
- (b) after “member of Transport for London” insert “or, as the case may be, a Mayoral development corporation”.
- (5) After subsection (6) insert – 10
- “(6A) In the application of section 2 of that Act in relation to a Mayoral development corporation by virtue of subsections (1) and (2) above, any reference to the person designated under section 4 of that Act as its head of paid service is to be taken as a reference to the chief executive of the Mayoral development corporation.” 15
- 48 (1) In section 73(6), in the substituted subsection (2) of section 5 of the Local Government and Housing Act 1989 (reports by monitoring officer), amend the definition of “GLA body or person” as follows.
- (2) After paragraph (b) insert – 20
- “(ba) a Mayoral development corporation, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.
- (3) After paragraph (g) insert – 25
- “(ga) any committee or sub-committee of a Mayoral development corporation when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.
- (4) After paragraph (m) insert – 30
- “(ma) any member, or member of staff, of a Mayoral development corporation when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.
- 49 In section 347 (functional bodies to have regard to spatial development strategy) after “strategy” insert “, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 (which requires certain of a Mayoral development corporation’s documents to be in general conformity with the strategy)”.
- 50 (1) Section 408 (transfers of property, rights and liabilities) is amended as follows. 40
- (2) In subsection (3) (bodies from which property etc may be transferred under section 408) after paragraph (g) insert –
- “(ga) an urban development corporation for an urban development area all or part of which is in Greater London; 45
- (gb) the Olympic Delivery Authority;

- (gc) any company, or other body corporate, which is a wholly-owned subsidiary of the Olympic Delivery Authority;
- (gd) any company, or other body corporate, which—
- (i) is a subsidiary of the Olympic Delivery Authority,
  - (ii) is a subsidiary of at least one other public authority, and
  - (iii) is not a subsidiary of any person who is not a public authority;”.
- (3) After subsection (8) insert—
- “(9) In subsection (3)(gc) “wholly-owned subsidiary” has the meaning given to it by section 1159 of the Companies Act 2006.
- (10) For the purposes of subsection (3)(gd) and paragraph (b) of this subsection, a body corporate (“C”) is a “subsidiary” of another person (“P”) if—
- (a) P, or P’s nominee, is a member of C, or
  - (b) C is a subsidiary of a body corporate that is itself a subsidiary of P,
- and, accordingly, the definition of “subsidiary” given by section 424(1) does not apply for those purposes.
- (11) In this section “urban development corporation” means a corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”
- 51 In section 424(1) (interpretation) in the definition of “functional body” after paragraph (a) insert—
- “(aa) a Mayoral development corporation;”.
- Freedom of Information Act 2000 (c. 36)*
- 52 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government) after paragraph 35C insert—
- “35D A Mayoral development corporation established under section 185 of the Localism Act 2011.”
- Planning and Compulsory Purchase Act 2004 (c. 5)*
- 53 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 54 In section 24 (if local planning authority are a London borough, local development documents must be in general conformity with the spatial development strategy) in subsections (1)(b) and (4) after “are a London borough” insert “or a Mayoral development corporation”.
- 55 (1) Amend section 37 (interpretation of Part 2) as follows.
- (2) After subsection (5) insert—
- “(5ZA) Subsection (4) must also be construed subject to any order under section 185(2) of the Localism Act 2011 so far as providing that a Mayoral development corporation is, as regards an area, to be the local planning authority for some or all of the purposes of this Part in relation to some or all kinds of development.

(5ZB)	Where such an order makes such provision, that MDC is, in relation to the kinds of development concerned, the local planning authority for the area and purposes concerned in place of any authority who, in relation to those kinds of development, would otherwise be the local planning authority for that area and those purposes.”	5
(3)	In subsection (5A) (definition of “local planning authority” has effect subject to any order providing for the Homes and Communities Agency to be the local planning authority) for “also be construed” substitute “additionally be construed, and subsection (5ZB) must be construed,”.	
<i>National Health Service Act 2006 (c. 41)</i>		10
56	In section 256(2) of the National Health Service Act 2006 (Primary Care Trust may make payments to listed bodies in connection with provision of housing accommodation) after paragraph (c) insert – “(ca) a Mayoral development corporation,”.	
<i>Crossrail Act 2008 (c. 18)</i>		15
57	In paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (“public sewer or drain” includes one owned by certain public bodies) after “an urban development corporation” insert “, a Mayoral development corporation”.	
<i>Planning Act 2008 (c. 29)</i>		
58	The Planning Act 2008 is amended as follows.	20
59	In section 129(1) (section 128(2) does not apply to acquisition by a listed body) after paragraph (c) insert – “(ca) a Mayoral development corporation;”.	
60	(1) Amend section 206 (provision about charging community infrastructure levy) is amended as follows.	25
	(2) In subsection (5)(a) (“local planning authority” has the meaning given by section 37 of the Planning and Compulsory Purchase Act 2004) after “to England,” insert “except that a Mayoral development corporation is a local planning authority for the purposes of this section only if it is the local planning authority for all purposes of Part 2 of PCPA 2004 in respect of the whole of its area and all kinds of development,”.	30
	(3) After subsection (5) insert – “(6) CIL regulations may make transitional provision in connection with, or in anticipation of, a Mayoral development corporation – (a) becoming a charging authority as a result of the operation of subsection (2), or (b) ceasing to be a charging authority as a result of the operation of that subsection.”	35
<i>Equality Act 2010 (c. 15)</i>		
61	In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities) after the entry for Transport for London insert – “A Mayoral development corporation.”	40

## SCHEDULE 23

Section 212

THE LONDON ENVIRONMENT STRATEGY: MINOR AND CONSEQUENTIAL AMENDMENTS OF  
THE GREATER LONDON AUTHORITY ACT 1999*General*

- 1 The Greater London Authority Act 1999 is amended as follows. 5
- 2 (1) Section 41 (general duties of the Mayor in relation to his strategies) is amended as follows.
- (2) In subsection (1) –
- (a) after paragraph (c) insert –
- “(ca) the London Environment Strategy,” and 10
- (b) omit paragraphs (d) to (g).
- (3) Omit subsection (11).

*Biodiversity*

- 3 (1) Section 352 (Mayor’s biodiversity action plan) is amended as follows.
- (2) For the heading substitute “The London Environment Strategy: biodiversity”. 15
- (3) In subsection (2) –
- (a) for “The London Biodiversity Action Plan” (in the opening words) substitute “The provisions of the London Environment Strategy dealing with biodiversity”, 20
- (b) in paragraph (c), for “the London Biodiversity Action Plan” substitute “those provisions of the London Environment Strategy” and for “is required to consult” substitute “has consulted or intends to consult”, and
- (c) in paragraph (d), for “the London Biodiversity Action Plan” substitute “those provisions of the London Environment Strategy” and for “is required to be consulted by the Mayor” substitute “who the Mayor has consulted or intends to consult”. 25
- (4) In subsection (4), in the opening words, for “London Biodiversity Action Plan” substitute “the provisions of the London Environment Strategy dealing with biodiversity”. 30
- (5) Omit subsections (1), (3), (4)(b) (with the preceding “and”), (5) and (6).

*Municipal waste management*

- 4 (1) Section 353 (municipal waste management strategy) is amended as follows.
- (2) For the heading substitute “The London Environment Strategy: municipal waste management”. 35
- (3) In subsections (2), (3A) and (4) for “municipal waste management strategy” (in each place) substitute “provisions of the London Environment Strategy dealing with municipal waste management”.
- (4) Omit subsections (1), (4)(b) (with the preceding “and”) and (5) to (7). 40

- 5 (1) Section 354 (directions by the Secretary of State) is amended as follows.
- (2) In subsection (1) –
- (a) for “either of the conditions” substitute “the condition”, and
  - (b) for “municipal waste management strategy” substitute “provisions of the London Environment Strategy dealing with municipal waste management”. 5
- (3) In subsection (2) –
- (a) omit paragraph (a); and
  - (b) in paragraph (b), for “municipal waste management strategy” substitute “provisions of the London Environment Strategy dealing with municipal waste management”. 10
- 6 In –
- (a) section 355(1), (3) and (7)(c) (duties of waste collection authorities etc),
  - (b) section 356(1) (directions by the Mayor), 15
  - (c) section 356A(5) (London Waste and Recycling Board),
  - (d) section 357(5) (information about existing waste contracts), and
  - (e) section 358(3) (information about new waste contracts),
- for “municipal waste management strategy” (in each place) substitute “provisions of the London Environment Strategy dealing with municipal waste management”. 20
- 7 In section 355(7)(duties of waste collection authorities etc), in the words after paragraph (c), omit the words “of the strategy”.

*Climate change mitigation and energy*

- 8 (1) Section 361B (the London climate change mitigation and energy strategy) is amended as follows. 25
- (2) For the heading substitute “The London Environment Strategy: climate change mitigation and energy”.
- (3) In subsection (2), for “London climate change mitigation and energy strategy” substitute “provisions of the London Environment Strategy dealing with climate change mitigation and energy”. 30
- (4) In subsection (3), for “strategy” substitute “provisions dealing with climate change mitigation and energy”.
- (5) In subsection (4), for “strategy” substitute “the provisions dealing with climate change mitigation and energy”. 35
- (6) In subsection (6) –
- (a) for “The strategy” substitute “provisions dealing with climate change mitigation and energy”, and
  - (b) in paragraphs (d) and (e), for “the strategy” substitute “those provisions”. 40
- (7) Omit subsections (1), (7) and (9) to (11) and, in subsection (12), the definition of “prescribed”.
- 9 Omit section 361C (directions by the Secretary of State to revise the strategy).

*Adaptation to climate change*

- 10 (1) Section 361D (the adaptation to climate change strategy for London) is amended as follows.
- (2) For the heading substitute “The London Environment Strategy: adaptation to climate change”. 5
- (3) In subsection (2), for “adaptation to climate change strategy for London” substitute “provisions of the London Environment Strategy dealing with adaptation to climate change”.
- (4) Omit subsections (1) and (3) to (5).
- 11 Omit section 361E (directions by the Secretary of State to revise the strategy). 10

*Air quality*

- 12 (1) Section 362 (the Mayor’s air quality strategy) is amended as follows.
- (2) For the heading substitute “The London Environment Strategy: air quality”.
- (3) In subsections (2) to (4), for “London air quality strategy” (in each place) substitute “provisions of the London Environment Strategy dealing with air quality”. 15
- (4) Omit subsections (1) and (5) to (7).
- 13 (1) Section 363 (directions by the Secretary of State) is amended as follows.
- (2) In subsection (1), for “either of the conditions” substitute “the condition.
- (3) In subsection (2) – 20
- (a) omit paragraph (a), and
- (b) in subsection (2)(b), for “London air quality strategy” substitute “provisions of the London Environment Strategy dealing with air quality”.
- 14 In section 364 (duty of local authorities in Greater London), for “London air quality strategy” substitute “provisions of the London Environment Strategy dealing with air quality”. 25
- 15 In section 365 (directions by the Mayor), for “London air quality strategy” substitute “provisions of the London Environment Strategy dealing with air quality”. 30

*Ambient noise*

- 16 (1) Section 370 (the London ambient noise strategy) is amended as follows.
- (2) For the heading substitute “The London Environment Strategy: ambient noise”.
- (3) In subsection (2), for “London ambient noise strategy” substitute “provisions of the London Environment Strategy dealing with ambient noise”. 35
- (4) In subsection (3), in paragraph (b) of the definition of “ambient noise”, for “London ambient noise strategy” substitute “provisions of the London Environment Strategy dealing with ambient noise”.

- (5) Omit subsections (1) and (6) to (8).

## SCHEDULE 24

Section 219

## TRANSFERS AND TRANSFER SCHEMES: TAX PROVISIONS

## PART 1

## TRANSFER UNDER PARAGRAPH 60 OF SCHEDULE 16

5

- 1 (1) For the purposes of any enactment about income tax or corporation tax, the Office and the HCA are to be treated as the same person.
- (2) In particular, the transfer effected by paragraph 60 of Schedule 16 is to be disregarded for those purposes.
- (3) Accordingly, that transfer is not to be regarded for the purposes of Part 8 of the Corporation Tax Act 2009 (gains and losses from intangible fixed assets) as involving any realisation of an asset by the Office or acquisition of an asset by the HCA. 10
- (4) In this paragraph—  
 “enactment” includes an enactment contained in an instrument made under an Act, 15  
 “the HCA” means the Homes and Communities Agency, and  
 “the Office” means the Office for Tenants and Social Landlords.

## PART 2

## CERTAIN TRANSFERS UNDER SCHEME UNDER SECTION 177 OR 178

20

*Interpretation of Part 2 of Schedule*

- 2 In this Part of this Schedule—  
 “CTA 2009” means the Corporation Tax Act 2009,  
 “public body” means—  
 (a) a person which is a public body for the purposes of section 66 of the Finance Act 2003 (stamp duty land tax: transfers involving public bodies), or 25  
 (b) a person prescribed for the purposes of this Part of this Schedule by order made by the Treasury,  
 “relevant transfer” means— 30  
 (a) a transfer, in accordance with a transfer scheme under section 177, to a taxable public body of property, rights or liabilities of the Homes and Communities Agency, or  
 (b) a transfer, in accordance with a transfer scheme under section 178, to a taxable public body, 35  
 “taxable public body” means a public body which is within the charge to corporation tax,  
 “transferee”, in relation to a transfer in accordance with a transfer scheme under section 177 or 178, means the person to whom the transfer is made, and 40

## “transferor” –

- (a) means the Homes and Communities Agency in relation to a transfer, in accordance with a transfer scheme under section 177, of property, rights or liabilities of that Agency, and
- (b) means the London Development Agency in relation to a transfer in accordance with a transfer scheme under section 178. 5

*Computation of profits and losses in respect of transfer of a trade*

- 3 (1) This paragraph applies where a taxable public body (“the predecessor”) is carrying on a trade or part of a trade and, as a result of a transfer scheme under section 177 or 178 – 10
- (a) the predecessor ceases to carry on that trade or part of a trade, and
  - (b) another taxable public body (“the successor”) begins to carry on that trade or part.
- (2) For the purposes of calculating, in relation to the time when the scheme comes into force and subsequent times, the relevant trading profits or losses of the predecessor and the successor – 15
- (a) the trade or part is to be treated as having been a separate trade at the time of its commencement and as having been carried on by the successor at all times since its commencement as a separate trade, and 20
  - (b) the trade carried on by the successor after the time when the scheme comes into force is to be treated as the same trade as that which the successor is treated, by virtue of paragraph (a), as having carried on as a separate trade before that time. 25
- (3) If a trade or part of a trade is to be treated under this paragraph as a separate trade, such apportionments of receipts, expenses, assets and liabilities are to be made for the purposes of computing relevant trading profits or losses as may be just and reasonable.
- (4) This paragraph is subject to the other provisions of this Part of this Schedule. 30
- (5) In this paragraph “relevant trading profits or losses” means profits or losses under Part 3 of CTA 2009 in respect of the trade or part of a trade in question.

*Transfers of trading stock*

- 4 (1) This paragraph applies if – 35
- (a) under a relevant transfer, trading stock of the transferor is transferred to the transferee,
  - (b) immediately after the transfer takes effect, the stock is to be treated as trading stock of the transferee, and
  - (c) paragraph 3 does not apply in relation to the transfer.
- (2) Sub-paragraphs (3) and (4) have effect in calculating for any corporation tax purpose both – 40
- (a) the profits of the trade in relation to which the stock is trading stock immediately before the transfer takes effect (“the transferor’s trade”), and
  - (b) the profits of the trade in relation to which it is to be treated as trading stock (“the transferee’s trade”). 45



- (3) The stock is to be treated as having been –
- (a) disposed of by the transferor in the course of the transferor’s trade,
  - (b) acquired by the transferee in the course of the transferee’s trade, and
  - (c) subject to that, disposed of and acquired when the transfer takes effect. 5
- (4) The stock is to be valued as if the disposal and acquisition had been for a consideration which in relation to the transferor would have resulted in neither a profit nor a loss being brought into account in respect of the disposal in the accounting period of the transferor which ends with, or is current at, the time when the transfer takes effect. 10
- (5) In this paragraph “trading stock” has the meaning given by section 163 of CTA 2009.

*Continuity in relation to loan relationships*

- 5 (1) For the purposes of the application of Part 5 of CTA 2009 (loan relationships) in relation to a relevant transfer of rights and liabilities under a loan relationship to which immediately before the transfer takes effect the transferor is a party for the purposes of a trade it carries on, the transferee and the transferor are to be treated as if at the time of the transfer they were members of the same group. 15
- (2) For the purposes of the application of Part 5 of CTA 2009 in relation to a transfer that – 20
- (a) is to a public body,
  - (b) is in accordance with a transfer scheme under section 177 or 178, and
  - (c) is of rights and liabilities under a loan relationship to which immediately before the transfer takes effect the HCA or LDA is a party otherwise than for the purposes of a trade it carries on, 25
- the HCA or LDA, and the person to whom the transfer is made, are to be treated as if at the time of the transfer they were members of the same group.
- (3) In this paragraph any reference to being members of the same group is to be read in accordance with section 170 of the Taxation of Chargeable Gains Act 1992. 30
- (4) In this paragraph –
- “the HCA” means the Homes and Communities Agency, and
  - “the LDA” means the London Development Agency.

*Chargeable gains: disposal on transfer to be treated as no gain/no loss disposal* 35

- 6 (1) For the purposes of the Taxation of Chargeable Gains Act 1992, a disposal constituted by a transfer within sub-paragraph (2) is to be treated in relation to the transferor and transferee as made for a consideration such that no gain or loss accrues to the transferor.
- (2) A transfer is within this sub-paragraph if – 40
- (a) it is a transfer in accordance with a transfer scheme under section 177 of property, rights or liabilities of the Homes and Communities Agency and the transferee is a public body, or
  - (b) it is in accordance with a transfer scheme under section 178 and the transferee is a public body. 45

- (3) In section 288(3A) of the Taxation of Chargeable Gains Act 1992 (meaning of the “no gain/no loss provisions”) at the end insert –  
 “(m) paragraph 6(1) of Schedule 24 to the Localism Act 2011.”

*Stamp duty*

- 7 Stamp duty is not chargeable on a transfer scheme under section 178 if the transferee is a public body. 5

*Modifications of transfer schemes*

- 8 (1) This paragraph applies if –
- (a) a company delivers a company tax return,
  - (b) subsequently an agreement is made modifying a transfer scheme under section 177 or 178, and 10
  - (c) as a result of that, the return is incorrect.
- (2) The return may be amended under paragraph 15 of Schedule 18 to the Finance Act 1998 so as to remedy the error, ignoring any time limit which would otherwise prevent that happening. 15
- (3) An amendment may not be made in reliance on sub-paragraph (2) more than 12 months after the end of the accounting period of the company during which the agreement is made.
- (4) Sub-paragraphs (5) and (6) apply if the company does not amend the return so as to remedy the error before the end of that 12 month period. 20
- (5) A discovery assessment or a discovery determination may be made in relation to the error, ignoring any time limit which would otherwise prevent that happening.
- (6) Such an assessment or determination may not be made in reliance on sub-paragraph (5) more than 24 months after the end of the accounting period mentioned in sub-paragraph (3). 25
- (7) Expressions used in this paragraph and in Schedule 18 to the Finance Act 1998 have in this paragraph the meaning they have in that Schedule.

## PART 3

- TRANSFERS UNDER SCHEME UNDER SECTION 187(1) OR (4) OR 203(1) 30
- 9 (1) In this paragraph “transfer scheme” means a transfer scheme under section 187(1) or (4) or 203(1).
- (2) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to –
- (a) any property, rights or liabilities transferred in accordance with a transfer scheme, or 35
  - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with a transfer scheme.
- (3) The provision that may be made under sub-paragraph (2)(a) includes, in particular, provision for – 40

- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
- (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
- (c) the Secretary of State or Mayor of London to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred. 5
- (4) The provision that may be made under sub-paragraph (2)(b) includes, in particular, provision for – 10
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or to be treated in a specified way; 15
- (c) the Secretary of State or Mayor of London to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, in relation to, or in consequence of, the transfer. 20
- (5) In this paragraph – 25
- “relevant tax” means corporation tax, income tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax, and
- “tax provision” means a provision of an enactment about a relevant tax.
- (6) In sub-paragraph (5) “enactment” includes an enactment contained in an instrument made under an Act.

## SCHEDULE 25

Section 223

30

## REPEALS AND REVOCATIONS

## PART 1

## GENERAL POWER OF COMPETENCE

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Act 2000 (c. 22)	Section 2(3) and (3A). Section 3(7). Section 4A(2) and (3).	35
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 78(2). Section 115(2).	40
Local Government (Wales) Measure 2009 (nawm 2)	In Schedule 2, paragraph 2(a).	



<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Act 2000 (c. 22) – <i>cont.</i>	(i) in subsection (16), paragraph (a) and the word “and” immediately following that paragraph, and	
	(j) in subsection (16)(b) the words “in Wales”.	5
	Section 21ZA. In section 21A –	
	(a) in subsection (3) the words from “(in the case of a local authority in England” to “Wales)”,	10
	(b) in subsection (6)(a) the words from “section 236” to “2007 or”,	
	(c) subsections (10) and (11), and	
	(d) in subsection (12) the words “in Wales”.	15
	Section 21C. In section 21D –	
	(a) in subsection (1)(b) sub-paragraph (ii) and the word “or” immediately preceding that sub-paragraph,	20
	(b) in subsection (2) the words “or providing a copy of the document to a relevant partner authority”,	
	(c) in subsection (6) in the definition of “exempt information” the words “section 246 of the National Health Service Act 2006 or”, and	25
	(d) in that subsection the definition of “relevant partner authority” and the word “and” immediately preceding that definition.	30
	Section 21E. In section 21F (as inserted by the Local Government (Wales) Measure 2011 (nawm 4)), in subsection (1) the words “in Wales”.	35
	Section 21F (as inserted by the Flood and Water Management Act 2010). In section 22(12A)(a) the words from “, or under” to “section 21B,”.	40
	Section 22A. Section 31. Section 32. In section 33ZA the words “in Wales,”.	45
	Section 33A. Section 33B. Section 33C. Section 33D. Section 33E. Section 33F.	50
	Section 33G. Section 33H. Section 33I. Section 33J (and the italic heading immediately preceding it).	55

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Act 2000 (c. 22) – <i>cont.</i>	Section 33K. Section 33L. Section 33M. Section 33N.	5
	Section 33O (and the italic heading immediately preceding it). In section 34(3) the words “or of any of sections 33A to 33O”.	10
	In section 35(3) the words “or of any of sections 33A to 33O”.	10
	In section 36(3) the words “or of any of sections 33A to 33O”.	10
	In section 39 –	
	(a) subsection (2),	15
	(b) in subsection (3) the words “in Wales”, and	
	(c) subsection (6).	
	Section 44A (and the italic heading immediately preceding it).	20
	Section 44B. Section 44C. Section 44D. Section 44E. Section 44F.	25
	Section 44G. Section 44H. In section 45(9) the words “or 33K”.	
	In section 47 –	
	(a) in subsection (4) the words “(including changes of the kinds set out in sections 33A to 33D)”, and	30
	(b) subsection (6)(b).	
	In section 48 –	
	(a) in subsection (1) the definition of “ordinary day of election”,	35
	(b) subsection (1A),	
	(c) in subsection (2), paragraph (b) and the word “and” immediately preceding that paragraph, and	40
	(d) in subsection (3), paragraph (b) and the word “and” immediately preceding that paragraph.	
	Section 106(1)(a). In Schedule 1 –	45
	(a) paragraphs 1A, 7 and 12 to 14 (and the italic headings immediately preceding paragraphs 1A and 12),	
	(b) in paragraph 8 –	
	(a) in sub-paragraph (1) the words “Welsh” and “in Wales”, and	50
(b) in sub-paragraphs (2), (3) and (7) the word “Welsh”, and		
(c) in paragraph 10 the word “7”.		

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Act 2003 (c. 26)	Section 115. In Schedule 7, paragraph 80 (and the italic heading immediately preceding it).	
National Health Service Act 2006 (c. 41)	Section 245(3)(b)(ia) and (ib). Section 247(3)(b) to (d).	5
Police and Justice Act 2006 (c. 48)	In section 19(9) the words “(within the meaning of Part 2 of the Local Government Act 2000 (c. 22))”.	
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 62(4), (8)(c) and (9). Section 63(8). Section 64. Section 65(4) to (6). Section 67. Section 69(3). Section 70(3) and (4). Section 121(1). Section 124. In section 127 –	10
	(a) subsection (1)(c)(ii) (and the word “and” immediately following it), (b) subsection (2), and (c) subsection (3)(b) (and the word “and” immediately preceding it).	20
	Section 236(9). In Schedule 3, paragraph 28.	25
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Section 31.	
Flood and Water Management Act 2010 (c. 29)	In Schedule 2, paragraph 54 (and the italic heading immediately preceding it).	30
Local Government (Wales) Measure 2011 (nawm 4)	Section 36(1)(b) and (c).	

PART 4

STANDARDS

35

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government and Housing Act 1989 (c. 42)	In section 3A – (a) in subsection (1), the words “which is a relevant authority” and, in paragraphs (a) and (b), the word “relevant”, (b) in subsection (2)(a), the word “relevant”, (c) in subsection (3)(b), the word “relevant”, (d) in subsection (4)(b)(i), the word relevant, (e) in subsection (6), the words “which is a relevant authority” and, in paragraph (a), the word “its”, and (f) in subsection (7), the word “its”.	40      45

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 2000 (c. 22)	In section 49 –
	(a) subsection (1),
	(b) in subsection (2) the words “in Wales (other than police authorities)”, <span style="float: right;">5</span>
	(c) subsections (2C), (3) and (4),
	(d) in subsection (5)(a) the words “in Wales”, and
	(e) in subsection (6) paragraphs (c) to (e), (g) to (k) and (m) to (o) (but not the word “or” at the end of paragraph (o)). <span style="float: right;">10</span>
	In section 50 –
	(a) subsection (1),
	(b) in subsection (2) the words “in Wales other than police authorities”, <span style="float: right;">15</span>
	(c) in subsection (3) the words “(1) or”,
	(d) in subsection (4)(a) the words “49(1) or” and the words “(as the case may be)”,
	(e) subsections (4C) and (4D),
	(f) in subsection (5) the words “the Secretary of State or”, and <span style="float: right;">20</span>
	(g) subsections (6) and (7).
In section 51 –	
(a) in subsection (4C) the words from “by a” to “police authority”, and <span style="float: right;">25</span>	
(b) in subsection (6)(c) sub-paragraph (i) and in sub-paragraph (ii) the words from “in the case” to “in Wales”.	
In section 53 –	
(a) in subsection (2) the words “parish council or”, <span style="float: right;">30</span>	
(b) subsections (3) to (10),	
(c) in subsection (11) in paragraph (a) the words “in Wales other than police authorities” and in paragraph (k) the words “in Wales (other than police authorities)”, and <span style="float: right;">35</span>	
(d) in subsection (12) the words “(6)(c) to (f) or”.	
In section 54 – <span style="float: right;">40</span>	
(a) subsection (4),	
(b) in subsection (5) the words “in Wales (other than police authorities)”,	
(c) subsection (6), and	
(d) in subsection (7) the words “in Wales (other than police authorities)”. <span style="float: right;">45</span>	



<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government Act 2000 (c. 22) – <i>cont.</i>	In section 54A –	
	(a) in subsection (3) the words “but this is subject to section 55(7)(b)”,	5
	(b) subsection (4),	5
	(c) in subsection (5) the words “in Wales other than a police authority”, and	
	(d) in subsection (6) the words “section 55(5) and to”.	
	Section 55.	10
	Sections 56A to 67.	
	In section 68(2), in each of paragraphs (a) and (b), the words “in Wales (other than police authorities)”.	
	In section 69 –	15
	(a) in subsection (1), the words “in Wales” in both places, and	
	(b) in subsection (5), the words “in Wales”.	
	In section 70(5), the words “in Wales”.	
	In section 71(4), the words “in Wales”.	20
	In section 72(6), the words “in Wales”.	
	Section 73(6).	
In section 77(7), the words from “, or with” to “First-tier Tribunal.”.	25	
In section 78 –	25	
(a) in the heading, the words “the First-tier Tribunal or”,		
(b) in subsection (1), the words “the First-tier Tribunal or” and, in paragraph (a), the words “65(3) or”,	30	
(c) subsection (4),		
(d) in subsection (6), the words “78A or”,		
(e) in subsection (8A), paragraph (a) and, in paragraph (b), the words “where the relevant authority concerned is in Wales,”,	35	
(f) in subsection (9), the words “The First-tier Tribunal or (as the case may be)” and the words “59 or”, and		
(g) subsections (9A) to (9D).	40	
Sections 78A and 78B.		
In section 79(13), the words “in Wales”.		
In section 80 –		
(a) in the heading, the words “First-tier Tribunal or”,	45	
(b) in subsection (1), the words “the First-tier Tribunal or”, and		
(c) subsection (6).		



<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government and Public Involvement in Health Act 2007 (c. 28)	In section 183 –	
	(a) in subsection (1), the subsections (2A) and (2B) to be inserted into section 49 of the Local Government Act 2000 and the subsection (2C) inserted into that section,	5
	(b) in subsection (2), the subsections (4A) and (4B) to be inserted into section 50 of the Local Government Act 2000 and the subsections (4C) and (4D) inserted into that section,	10
	(c) in subsection (3), the subsections (4A) and (4B) to be inserted into section 51 of the Local Government Act 2000, and	15
	(d) in subsection (7)(b), the words “in Wales other than a police authority”.	
	Sections 185 to 187.	
	In section 188 –	
	(a) in subsection (1), paragraphs (b) and (c), and	20
	(b) subsection (2).	
	Sections 189 to 193.	
In section 194, subsections (1) to (7).		
Sections 195 and 196.	25	
Section 198.		
In Schedule 12, paragraph 17.		
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	In Schedule 6, paragraph 93.	30
Transfer of Tribunal Functions Order 2010 (S.I. 2010/22)	In Schedule 2 –	
	(a) paragraphs 51 to 55,	
	(b) paragraph 59(b),	
	(c) paragraph 60(a) and (c) to (f),	
	(d) paragraphs 61 and 62,	35
	(e) paragraph 63(a) and (c), and	
(f) paragraph 65.		
Localism Act 2011	In section 16(4), paragraphs (f) and (k).	

PART 5

DUTY TO PROMOTE DEMOCRACY

40

<i>Reference</i>	<i>Extent of repeal</i>
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Chapter 1 of Part 1. Section 148(1)(a).

PART 6

PETITIONS

<i>Reference</i>	<i>Extent of repeal</i>	
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Chapter 2 of Part 1. Section 148(1)(a).	5

PART 7

WASTE REDUCTION SCHEMES

<i>Reference</i>	<i>Extent of repeal</i>	
Climate Change Act 2008 (c. 27)	Sections 71 to 75. In section 98, the entry for “the waste reduction provisions”. Schedule 5.	10

PART 8

BUSINESS RATE SUPPLEMENTS

15

<i>Reference</i>	<i>Extent of repeal</i>	
Business Rate Supplements Act 2009 (c. 7)	Section 7(1), (2) and (5). In section 10 – (a) in subsection (2)(c) the words from the beginning to “subsection (7),” and (b) subsections (7) to (9).	20

PART 9

NON-DOMESTIC RATES: DISCRETIONARY RELIEF

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Finance Act 1988 (c. 41)	In section 47 – (a) subsection (2), (b) in subsection (3), the word “second”, and (c) subsections (3A) to (3D), In section 48(1), the words from “(but” to the end.	25       30
Local Government and Rating Act 1997 (c. 29)	In Schedule 1, paragraphs 3 and 4.	
Rating (Former Agricultural Premises and Rural Shops) Act 2001 (c. 14)	Section 2.	35
Local Government Act 2003 (c. 26)	Section 61(6) and (7). Section 63(3). Section 64(3).	



<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government Finance Act 1992 (c. 14) – <i>cont.</i>	Section 52Z.	
Greater London Authority Act 1999 (c. 29)	Section 136(2). Schedule 9.	5
Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (SI 2007/1388)	In Schedule 1, paragraphs 41 to 44.	

PART 12

10

COUNCIL TAX

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government Finance Act 1992 (c. 14)	In section 32 –	
	(a) in subsection (2), paragraph (e) and the word “and” immediately preceding it,	15
	(b) in subsection (3), the words “general fund (or as the case may be)”, the words from “BID levy” to 2003”, the words “or (in the case of the Common Council only) police grant” and paragraph (b) (but not the “and” at the end of that paragraph),	20
	(c) in subsection (3A), the words “In the case of any billing authority in Wales”,	
	(d) in subsection (7)(a), sub-paragraph (ii) and the word “and” at the end of that paragraph,	25
	(e) subsections (8) to (8B),	
	(f) in subsection (12), the definition of “police grant” and the word “and” at the end of that definition, and	30
	(g) subsection (13).	
	In section 33 –	
	(a) in subsection (1), in the definition of item P, the words “general fund or (as the case may be)” and the words “or (in the case of the Common Council only) police grant”,	35
	(b) subsections (3) and (3A),	
	(c) in subsection (3B), the words “In the case of a Welsh county council or county borough council,”, and	40
	(d) in subsection (4), the words “or subsection (3) above”.	
	Section 43(5).	45



PART 13

COUNCIL TAX REVALUATIONS IN WALES

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Act 2003 (c. 26)	In Schedule 7, paragraph 52(3).	5

PART 14

REGIONAL STRATEGIES (COMMENCEMENT ON PASSING)

<i>Reference</i>	<i>Extent of repeal</i>	
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Sections 70 to 81. Section 82(2) and (3). Section 84. Section 85(2) to (6). Sections 86 and 87. In section 147(1)(b), the words “85(2) to (6),”.	10

PART 15

15

REGIONAL STRATEGIES (COMMENCEMENT BY ORDER)

<i>Reference</i>	<i>Extent of repeal</i>	
Town and Country Planning Act 1990 (c. 8)	Section 83(5). In Schedule 1 – (a) paragraph 7(2)(a), (3), (5)(a), (9) and (11), and (b) in paragraph 7(10), paragraph (b) and the word “or” immediately preceding it.	20
Regional Development Agencies Act 1998 (c. 45)	Section 7.	25
Greater London Authority Act 1999 (c. 29)	In section 337(6)(a), the words “or the regional spatial strategy for a region which adjoins Greater London”. In section 342(1) – (a) paragraph (a), and (b) in paragraph (b), the word “other”.	30
Planning and Compulsory Purchase Act 2004 (c. 5)	In Schedule 10, in paragraph 2 – (a) sub-paragraph (3A), and (b) in sub-paragraph (8), the definition of “regional planning body” and “region” and the word “and” immediately preceding it.	35
Planning and Compulsory Purchase Act 2004 (c. 5)	Section 15(3)(c). Section 19(2)(b) and (d). Section 24(1)(a). Section 28(4). Section 37(6) and (6A).	40



<i>Reference</i>	<i>Extent of repeal</i>	
Planning and Compulsory Purchase Act 2004 (c. 5) – <i>cont.</i>	In section 38(3) –	
	(a) paragraph (a), and	
	(b) the word “and” immediately preceding paragraph (b).	5
	In section 45 –	
	(a) in the text to be inserted by subsection (2), in subsection (1A), paragraph (a) and, in paragraph (b), the words “in Wales”,	10
	(b) in the text to be inserted by subsection (3), in subsection (2)(b), the words “the Secretary of State or” and the words “(as the case may be)”, subsection (2A)(b) and subsection (2B),	15
	(c) subsection (4), and	
	(d) in the text to be inserted by subsection (9), in sub-paragraph (1A), paragraph (a) and the word “and” at the end of that paragraph and, in paragraph (b), the words “in Wales”, in sub-paragraph (1B), the words “the Secretary of State or” and the words “(as the case may be)” and, in sub-paragraph (1C), the words “Secretary of State or the” and the words “(as the case may be)”.	20
	Section 62(5)(c)	25
	Section 78(5).	
In section 113 –		
(a) subsection (1)(a),	30	
(b) subsection (9)(a),		
(c) subsection (11)(a), and		
(d) subsection (12).		
In Schedule 7, paragraph 22(2)(a) and (3).		
Railways Act 2005 (c. 14)	Section 17(5).	35
Greater London Authority Act 2007 (c. 24)	Section 30(2).	
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Sections 82(1) and 83. In Schedule 5, paragraphs 2 to 4, 9 to 11, 14, 15(2), 16, 17 and 19.	40
Marine and Coastal Access Act 2009 (c. 23)	In Schedule 6, in paragraph 1 –	
(a) sub-paragraph (2)(e), and		
(b) in sub-paragraph (3), the definition of “responsible regional authorities”.		

PART 16

LOCAL DEVELOPMENT SCHEMES AND DOCUMENTS

<i>Reference</i>	<i>Extent of repeal</i>	
Planning and Compulsory Purchase Act 2004 (c. 5)	Section 15(3). Section 22(2). Section 35(1).	5
Greater London Authority Act 2007 (c. 24)	Section 30(2) and (3).	

PART 17

NEIGHBOURHOOD PLANNING

10

<i>Reference</i>	<i>Extent of repeal</i>	
Town and Country Planning Act 1990 (c. 8)	Section 69(1)(b).	

PART 18

UNAUTHORISED ADVERTISEMENTS AND DEFACEMENT OF PREMISES

15

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
London Local Authorities Act 1995 (c. x)	Sections 11 to 13.	
Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615)	In Schedule 1, paragraph 36.	20
London Local Authorities Act 2004 (c. i)	Sections 12 to 14.	
London Local Authorities Act 2007 (c. ii)	Section 7. Section 18.	25
Postal Services Act 2011	In Schedule 12, paragraph 171 (which amends section 13(3) of the London Local Authorities Act 1995).	

PART 19

ABOLITION OF INFRASTRUCTURE PLANNING COMMISSION

30

<i>Reference</i>	<i>Extent of repeal</i>	
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Infrastructure Planning Commission.	
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2, the entry for the Infrastructure Planning Commission.	35

<i>Reference</i>	<i>Extent of repeal</i>	
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1, in Part 2, the entry for the Infrastructure Planning Commission.	
Town and Country Planning Act 1990 (c. 8)	In section 106A(11) –	5
	(a) in paragraph (aa), the words after “any development consent obligation, and	
	(b) paragraph (ab).	
	In section 106B(1), the words “or the Infrastructure Planning Commission”.	10
	In section 106C, the words “or the Infrastructure Planning Commission” (in both places).	
Freedom of Information Act 2000 (c. 36)	In Schedule 2, in Part 6, the entry for the Infrastructure Planning Commission.	
Planning Act 2008 (c. 29)	Sections 1 to 3.	15
	In section 5(9), paragraph (b) and the “and” preceding that paragraph.	
	Section 12.	
	Section 38.	
	In section 50(2), the words “the Commission or”.	20
	Section 53(2)(b) and (c).	
	Section 63.	
	Section 65(3) to (5).	
	Section 66(1).	
	Section 67.	25
	Section 68(5).	
	Section 69(4).	
	Section 74(1) and (4).	
	Section 80(1).	
	Section 81.	30
	Section 83(2) and (4).	
	Sections 84 and 85 (including the italic heading immediately preceding section 84).	
	Section 87(2)(b).	
	In section 103(1), the words after “consent”.	35
	Section 103(2).	
	Section 107(2) and (4).	
	Sections 109 to 113.	
	Section 115(6).	
	Section 116(4).	40
	Section 117(2), (5) and (7).	
	In section 118(7), the words “or the Commission”.	
	Section 121.	
	Section 124.	45
	In section 127(7), paragraph (b) and the “and” preceding that paragraph.	
	In section 131(10), paragraph (b) and the “and” preceding that paragraph.	
	In section 132(10), paragraph (b) and the “and” preceding that paragraph.	50
	Section 136(6).	
	Section 147(3).	
	In section 235(1), the definitions of “the Commission”, “Commissioner”, “the Council” and “decision-maker”.	55



## PART 22

## HOUSING TENURE

<i>Reference</i>	<i>Extent of repeal</i>	
Housing Act 1988 (c. 50)	In section 17(1), paragraph (c) and the “and” immediately preceding that paragraph. In Part 1 of Schedule 2, in Ground 7, in the second unnumbered paragraph, the word “periodic”.	5
Housing and Regeneration Act 2008 (c. 17)	In section 180(2)(a), the words “an assured shorthold tenancy or”.	10

## PART 23

## HOUSING FINANCE

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government and Housing Act 1989 (c. 42)	Sections 82 to 84. In section 85 – (a) in subsection (1), the words “or 83”, and (b) in subsection (3), the words “or 83”. In section 86(1), the words “or residual debt subsidy”. In section 88 – (a) subsection (2), (b) in subsection (3), the words “Subject to subsection (2) above,”, and (c) subsections (4) and (5).	15
Local Government Act 2003 (c. 26)	Section 89(4).	20
		25

## PART 24

## MUTUAL EXCHANGE

<i>Reference</i>	<i>Extent of repeal</i>	
Housing and Regeneration Act 2008 (c. 17)	In section 197(2), the word “or” at the end of paragraph (b).	30

## PART 25

## OFFICE FOR TENANTS AND SOCIAL LANDLORDS

<i>Reference</i>	<i>Extent of repeal</i>	
Public Records Act 1958 (c. 51)	In Schedule 1, in Part 2 of the Table at the end of paragraph 3, the entry for the Office for Tenants and Social Landlords.	35
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Office for Tenants and Social Landlords.	

<i>Reference</i>	<i>Extent of repeal</i>	
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2, the entry for the Office for Tenants and Social Landlords.	
Race Relations Act 1976 (c. 74)	In Schedule 1A, paragraph 52.	5
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entry for the Office for Tenants and Social Landlords.	
Housing and Regeneration Act 2008 (c. 17)	In section 31 –	
	(a) subsections (9) and (10),	
	(b) in subsection (11), the words “or low cost home ownership accommodation” and the words “or (as the case may be) low cost home ownership accommodation”, and	10
	(c) in subsection (12), the definition of “low cost home ownership accommodation”.	15
	Section 32(11).	
	In section 34 –	
	(a) paragraph (a), and the word “or” at the end of it, and	20
	(b) in paragraph (b), the word “other”.	
	Section 37.	
	Section 78.	
Sections 81 to 92.		
Section 99.	25	
Sections 101 to 106.		
Section 112(4)(a).		
Section 145(4).		
In section 146 –		
(a) in subsection (4), paragraph (c) and the word “and” at the end of paragraph (b), and	30	
(b) subsection (8).		
In section 147(4), paragraph (c) and the word “and” at the end of paragraph (b).	35	
Section 174(5)(a).		
Section 196(1)(f) (but not the word “and” at the end of that paragraph).		
Section 197(4)(b).		
Section 216(e).	40	
In section 222, paragraph (a) and the word “and” at the end of that paragraph.		
In section 230(2), paragraph (a) and the word “and” at the end of that paragraph.		
Section 232.	45	
In section 242(3), paragraph (a) and the word “and” at the end of that paragraph.		
In section 248 –		
(a) subsection (4)(a),		
(b) subsection (7)(c), and	50	
(c) subsection (8)(a),		

<i>Reference</i>	<i>Extent of repeal</i>	
Housing and Regeneration Act 2008 (c. 17) – <i>cont.</i>	In section 250 –	
	(a) subsection (4)(a),	
	(b) subsection (7)(c), and	
	(c) subsection (8)(a),	5
	In section 252 –	
(a) in subsection (4), paragraph (a) and the word “and” at the end of that paragraph, and		
(b) subsection (7).	10	
	In section 276, in the Table, the entry for “Appointed member”.	
	In Schedule 9 –	
(a) paragraph 1,		
(b) paragraph 2(2),	15	
(c) paragraph 3(2),		
(d) paragraph 4, and		
(e) paragraph 28(2).		

PART 26

REGULATION OF SOCIAL HOUSING

20

<i>Reference</i>	<i>Extent of repeal</i>	
Housing and Regeneration Act 2008 (c. 17)	Section 193(2)(c).	
	In section 194(1), the words “the management of”.	
	Section 198(1).	25
	Section 201(3), (6) and (8).	
	In section 202 –	
	(a) in subsection (6), paragraph (c) (but not the word “and” at the end of that paragraph), and	30
	(b) in subsection (7), paragraph (c) and word “and” immediately preceding that paragraph.	
Section 204.		
Section 205.	35	
Section 216(d).		
Section 218(2)(b) and (c)		

PART 27

HOUSING OMBUDSMAN

<i>Reference</i>	<i>Extent of repeal</i>	
Housing and Regeneration Act 2008 (c. 17)	Section 239(2).	5

PART 28

HOME INFORMATION PACKS

<i>Reference</i>	<i>Extent of repeal</i>	
Terrorism Act 2000 (c. 11)	In Schedule 3A, in paragraph 2(1), paragraph (f) and the word “or” immediately preceding it.	10
Proceeds of Crime Act 2002 (c. 29)	In Schedule 9, in paragraph 2(1), paragraph (f) and the word “or” immediately preceding it.	
Housing Act 2004 (c. 34)	Part 5. Section 250(3). In section 262(6), the words “does not apply for the purposes of Part 5 and”. In section 270 – (a) in subsection (2)(a), the words “161 to 164, 176,”, (b) subsection (6), and (c) in subsection (8) the word “, (6)”.	15
Consumers, Estate Agents and Redress Act 2007 (c. 17)	Schedule 8. In Schedule 7, paragraph 23.	20
Housing and Regeneration Act 2008 (c. 17)	In section 290(2)(e), the words “made by virtue of Part 5 of the Housing Act 2004 (c. 34) (home information packs) or”.	25

PART 29

TENANTS’ DEPOSITS

<i>Reference</i>	<i>Extent of repeal</i>	
Housing Act 2004 (c. 34)	In section 214, in subsection (2) the word “such” and, in subsection (4), the word “also”.	30

PART 30

LONDON (HOUSING AND REGENERATION)

<i>Reference</i>	<i>Extent of repeal</i>	
Housing Act 1985 (c. 68)	In Schedule 5 to the Housing Act 1985, in paragraph 3, in the entry in the list for section 19 of the Housing and Regeneration Act 2008, the words from “(and” to “Act)”.	35



<i>Reference</i>	<i>Extent of repeal</i>	
Housing Act 1996 (c. 52)	In section 51(3)(a) – (a) in the entry in the list for section 19 of the Housing and Regeneration Act 2008 the words from “(and” to “Act)”, and (b) the word “or” immediately after the entry in that list for section 50 of the Housing Act 1988 etc.	5
Greater London Authority Act 1999 (c. 29)	Section 31(3)(a) and (4).	10
Housing and Regeneration Act 2008 (c. 17)	In section 13(6), the words from “, a London” to the end of the subsection. In section 14(7), in paragraph (a) of the definition of “relevant functions”, the words from “, a London” to “of London”. In Schedule 8 – (a) paragraph 62(a) and (b), (b) paragraph 73(2) and (3), and (c) paragraph 74(a).	15

PART 31

20

LONDON DEVELOPMENT AGENCY ETC

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, in the entry relating to regional development agencies, the words “(other than the London Development Agency)”.	25
Superannuation Act 1972 (c. 11)	In Schedule 1 – (a) in the entry for a development agency established under section 1 of the Regional Development Agencies Act 1998, the words “(other than the London Development Agency (for which there is a separate entry))”, and (b) the entry for the London Development Agency.	30
Local Government Act 1974 (c. 7)	Section 25(1)(bbb).	35
Race Relations Act 1976 (c. 74)	In Part 1 of Schedule 1A – (a) paragraph 40, and (b) in paragraph 41, the words “(other than the London Development Agency)”.	40
Local Government Finance Act 1988 (c. 41)	Section 114(3B). In section 115 – (a) subsection (3A), and (b) in subsection (4A), the words “the London Development Agency or”.	45

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Local Government (Overseas Assistance) Act 1993 (c. 25)	Section 1(6A).	
Audit Commission Act 1998 (c. 18)	Section 11(7A)(b). In section 11(8A), the words “the London Development Agency or”.	5
Crime and Disorder Act 1998 (c. 37)	In section 17(2), the entry for the London Development Agency.	
Regional Development Agencies Act 1998 (c. 45)	Section 2(6) to (11). Section 5(4). Section 6(7). Section 6A. Section 7(3). Sections 7A and 7B. Section 9(5). In section 10(1) the words “other than the London Development Agency”. Section 10(2) and (3). Section 11(8). Section 12(5). Section 13(6). Section 14(7). Section 15(4) and (5). In section 16 the words “other than the London Development Agency”. Section 17(4) to (7). Section 18(5). Section 20(3A). Section 25(7A). Section 26(2A) and (3A). Section 26A. Section 27(1A). Section 30A.	10
	In section 41, the definition of “the London Development Agency”. In Schedule 1, the entry for the London region. In Schedule 2—	15
	(a) paragraphs 1(4) and (5), 2(2) and (3), 3A, 4(5), and (b) in paragraph 5(1) the words from “other than the London Development Agency” to the end.	20
	Schedule 6A.	25
Local Government Act 1999 (c. 27)	Section 1(1)(j).	30
Greater London Authority Act 1999 (c. 29)	Section 31(2). In section 38— (a) subsections (2)(d) and (7)(b), and (b) in subsection (8), paragraph (c) and the “or” preceding it. In section 46(2)(a) the words “or under section 7A(2) of the Regional Development Agencies Act 1998”.	35
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		45
		50

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Greater London Authority Act 1999 (c. 29) – <i>cont.</i>	In section 58(4) the words “or the London Development Agency”.	
	In section 60A(3), the entry for chairman, or deputy chairman, of the London Development Agency.	5
	In section 68 –	
	(a) subsection (2)(c),	
	(b) in subsection (3) the words “or the London Development Agency”,	10
	(c) in subsection (6), paragraph (b) and the “and” preceding it,	
	(d) in subsection (6) the words “or, as the case may be, the London Development Agency”, and	15
	(e) subsection (7).	
	In section 73(6), in the substituted subsection (2), in the definition of “GLA body or person” –	
	(a) paragraph (c),	20
	(b) in paragraph (g), the words “or the London Development Agency,” and the words “(or in the case of the London Development Agency section 380)”, and	
	(c) in paragraph (m), the words “or the London Development Agency,” and the words “(or, in the case of a member or member of staff of the London Development Agency, section 380)”.	25
	Sections 304 to 309.	30
	Section 361B(6)(d)(iii).	
In section 380 –		
(a) subsections (2)(d) and (9)(b), and		
(b) in subsection (10), paragraph (c) and the “or” preceding it.	35	
Section 389(1)(c), (5)(c) and (6).		
Section 394(2) and (6).		
Section 400(2).		
Section 408(5).		
Section 409(4).	40	
In section 424(1), paragraph (b) of the definition of “functional body”.		
In Schedule 25, paragraphs 2 to 5, 6(3) and 7 to 21.		
Freedom of Information Act 2000 (c. 36)	In Schedule 1 –	45
	(a) paragraph 35, and	
(b) in Part 6, in the entry for regional development agencies, the words “, other than the London Development Agency”.	50	

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Greater London Authority (Miscellaneous Amendments) Order 2000 (S.I. 2000/1435)	In the Schedule, paragraph 5(2).	5
Local Government Act 2003 (c. 26)	In section 95(7), in paragraph (a) of the definition of “relevant authority”, the words “or the London Development Agency”.	
London Development Agency Act 2003 (c. i)	The whole Act.	10
London Olympic Games and Paralympic Games Act 2006 (c. 12)	Section 8(3)(b), but not the “and” at the end. Section 34(5).	
Greater London Authority Act 2007 (c. 24)	Section 20.	15
Crossrail Act 2008 (c. 18)	In section 36, the words “, the London Development Agency”. In Schedule 12, in the heading of Part 2 and in paragraph 2(1)(a) and (b), the words “, the London Development Agency”.	20
Equality Act 2010 (c. 15)	In Part 1 of Schedule 19— (a) the entry for the London Development Agency, and (b) in the entry for other regional development agencies, the words “(other than the London Development Agency)”.	25

PART 32

MAYORAL DEVELOPMENT CORPORATIONS

<i>Reference</i>	<i>Extent of repeal</i>	
Town and Country Planning Act 1990 (c. 8)	In section 165(3), the “and” at the end of paragraph (b).	30

PART 33

GREATER LONDON AUTHORITY GOVERNANCE

<i>Reference</i>	<i>Extent of repeal</i>	
Greater London Authority Act 1999 (c. 29)	Section 41(1)(d) to (g), (10) and (11). Section 42(5). Section 42A. Section 335(1) to (1B). Section 351. Section 352(1), (3), (4)(b) (with the preceding “and”), (5) and (6). Section 353(1), (4)(b) (with the preceding “and”) and (5) to (7).	40



# Localism Bill

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# B I L L

[AS AMENDED IN COMMITTEE]

To make provision about the functions and procedures of local and certain other authorities; to make provision about the functions of the Local Commission for Administration in England; to enable the recovery of financial sanctions imposed by the Court of Justice of the European Union on the United Kingdom from local and public authorities; to make provision about local government finance; to make provision about town and country planning, the Community Infrastructure Levy and the authorisation of nationally significant infrastructure projects; to make provision about social and other housing; to make provision about regeneration in London; and for connected purposes.

*Brought from the Commons on 19th May 2011*

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