

# Local Democracy, Economic Development and Construction Bill [HL]

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## COMMONS AMENDMENTS

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*[The page and line are references to Bill 93 as first printed for the Commons.]*

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### Before Clause 27

1 Insert the following new Clause –

#### “Local freedoms

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1) there is inserted –
  - “(1A) Where the son of a freeman of a city or town may claim to be admitted as a freeman of that place, the daughter of a freeman may likewise claim to be so admitted.
  - (1B) The son or daughter of a freeman of a city or town shall be admitted as a freeman whether born before or after the admission, as a freeman, of his or her freeman parent and wherever he or she was born.
  - (1C) In subsections (1A) and (1B) ‘freeman’ excludes a freeman of the City of London.”

### After Clause 32

2 Insert the following new Clause –

#### “Mutual insurance

- (1) Subject as follows, a qualifying authority may –
  - (a) become a member of a body corporate –
    - (i) all of whose objects fall within the objects specified in subsection (2), and
    - (ii) all of whose members are qualifying authorities, and
  - (b) do anything that is required by, or is conducive or incidental to, membership of any such body.

- (2) The objects referred to in subsection (1)(a)(i) are—
  - (a) to provide insurance, in relation to risks of any description, to—
    - (i) qualifying authorities who are members of the body corporate, and
    - (ii) persons prescribed in regulations made by the appropriate national authority,
  - (b) to enter into arrangements under which such insurance is provided to—
    - (i) qualifying authorities who are members of the body corporate, and
    - (ii) persons prescribed in regulations made by the appropriate national authority, and
  - (c) to do anything that is required by, or is conducive or incidental to, the provision of any such insurance or entering into any such arrangements.
- (3) The power of a qualifying authority under subsection (1)(b) includes in particular power—
  - (a) to pay premiums and make other payments to the body corporate;
  - (b) to agree to make any such payments;
  - (c) to assume financial obligations in relation to persons prescribed for the purposes of subsection (2)(a)(ii) or (b)(ii).
- (4) The appropriate national authority may by regulations impose restrictions or conditions on the exercise of any power conferred on a qualifying authority by subsection (1).
- (5) A qualifying authority must, in exercising the powers conferred by subsection (1), have regard to—
  - (a) any guidance issued by the appropriate national authority, and
  - (b) any guidance or document specified in regulations made by the appropriate national authority.
- (6) The appropriate national authority may by regulations amend this Chapter for the purposes of changing the authorities which are for the time being qualifying authorities for the purposes of this section.”

3 Insert the following new Clause—

**“Mutual insurance: supplementary**

- (1) This section applies for the purposes of section (*Mutual insurance*).
- (2) A qualifying authority is—
  - (a) a county council in England;
  - (b) a district council in England;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Greater London Authority so far as it exercises its functions through the Mayor;
  - (f) the Council of the Isles of Scilly;
  - (g) a county council in Wales;

- (h) a county borough council in Wales;
  - (i) a National Park authority;
  - (j) the Broads Authority;
  - (k) a police authority;
  - (l) a fire and rescue authority not falling within paragraphs (a) to (h);
  - (m) a joint waste authority established under section 207(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28);
  - (n) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
  - (o) an Integrated Transport Authority;
  - (p) Transport for London;
  - (q) the London Development Agency;
  - (r) an economic prosperity board established under section 85 or a combined authority established under section 100.
- (3) The “appropriate national authority” means –
- (a) the Secretary of State, in relation to England;
  - (b) the Welsh Ministers, in relation to Wales.
- (4) Regulations under section (*Mutual insurance*) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (2), (4) or (5)(b) of that section is subject to annulment in pursuance of a resolution of –
- (a) either House of Parliament (in the case of regulations made by the Secretary of State);
  - (b) the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).
- (6) A statutory instrument containing regulations under subsection (6) of that section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of –
- (a) each House of Parliament (in the case of regulations made by the Secretary of State);
  - (b) the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).”

#### Before Clause 135

- 4 Insert the following new Clause –

#### “Application of construction contracts legislation

- (1) The Housing Grants, Construction and Regeneration Act 1996 (c. 53) is amended as follows.
- (2) In section 106 (provisions not applicable to contract with residential occupiers), in subsection (1), omit paragraph (b) and the preceding “or”.
- (3) After that section insert –

**“106A Power to disapply provisions of this Part**

- (1) The Secretary of State may by order provide that any or all of the provisions of this Part, so far as extending to England and Wales, shall not apply to any description of construction contract relating to the carrying out of construction operations (not being operations in Wales) which is specified in the order.
- (2) The Welsh Ministers may by order provide that any or all of the provisions of this Part, so far as extending to England and Wales, shall not apply to any description of construction contract relating to the carrying out of construction operations in Wales which is specified in the order.
- (3) The Scottish Ministers may by order provide that any or all of the provisions of this Part, so far as extending to Scotland, shall not apply to any description of construction contract which is specified in the order.
- (4) An order under this section shall not be made unless a draft of it has been laid before and approved by resolution of—
  - (a) in the case of an order under subsection (1), each House of Parliament;
  - (b) in the case of an order under subsection (2), the National Assembly for Wales;
  - (c) in the case of an order under subsection (3), the Scottish Parliament.”
- (4) In section 146 (orders etc)—
  - (a) in subsection (2), for “Secretary of State” substitute “the authority making them”;
  - (b) in subsection (3)(a), after “106(4)” insert “, 106A”.”

**Clause 137**

- 5 Page 82, line 3, after “applies” insert “in relation”
- 6 Page 82, line 7, leave out from beginning to end of line 13 and insert—
  - “(2) The contractual provision referred to in subsection (1) is ineffective unless—
    - (a) it is made in writing, is contained in the construction contract and confers power on the adjudicator to allocate his fees and expenses as between the parties, or
    - (b) it is made in writing after the giving of notice of intention to refer the dispute to adjudication.””

**Clause 144**

- 7 Page 87, line 17, leave out “Chapter 2 comes” and insert “Sections (*Mutual insurance*) and (*Mutual insurance: supplementary*) and Chapter 2 come”

**Clause 146**

- 8 Page 88, line 28, leave out subsection (2)

**Schedule 7**

**9** Page 137, line 40, second column, at beginning insert –

“Section 106(1)(b) and the preceding “or”.”

**In the Title**

**10** Line 5, after “authorities” insert “, their powers relating to insurance”