



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART VIII

#### PLANNING

##### *The Mayor's spatial development strategy*

#### **334 The spatial development strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “spatial development strategy”.
- (2) The spatial development strategy must include a statement formulating the Mayor’s strategy for spatial development in Greater London.
- (3) For the purposes of this Part, the Mayor’s strategy for spatial development includes his general policies in respect of the development and use of land in Greater London.
- (4) The spatial development strategy must include statements dealing with the general spatial development aspects of—
  - (a) such of the other strategies prepared and published, or to be prepared and published, under the enactments mentioned in section 41(1) above as involve considerations of spatial development, and
  - (b) such of the Mayor’s other policies or proposals as involve such considerations, whether or not the strategy, policy or proposal relates to the development or use of land.
- (5) The spatial development strategy must deal only with matters which are of strategic importance to Greater London.
- (6) In determining for the purposes of this Part whether a matter is of strategic importance to Greater London, it is immaterial whether or not the matter affects the whole area of Greater London.

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- (7) The spatial development strategy must contain such diagrams, illustrations or other descriptive or explanatory matter relating to its contents as may be prescribed by regulations under section 343 below.
- (8) The spatial development strategy may make different provision for different cases or for different parts of Greater London.

**335 Public participation.**

- <sup>F1</sup>(1) .....
- <sup>F1</sup>(1A) .....
- <sup>F1</sup>(1B) .....
- (2) [<sup>F2</sup>Before] determining the contents of the spatial development strategy, the Mayor shall—
  - (a) prepare a draft of his proposed spatial development strategy;
  - (b) make copies available for inspection at such places as may be prescribed by regulations under section 343 below;
  - (c) send a copy to each of the bodies and persons specified in subsection (3) below;
  - (d) comply with any requirements imposed by regulations under section 343 below; and
  - (e) consider any representations made in accordance with the regulations.
- (3) The bodies and persons mentioned in subsection (2)(c) above are—
  - (a) the Secretary of State;
  - [<sup>F3</sup>(aa) the Assembly and the functional bodies;]
  - (b) every London borough council;
  - (c) the council of any county or district whose area adjoins Greater London and is affected by the proposed spatial development strategy;
  - (d) such other persons or bodies as may be prescribed by regulations under section 343 below; and
  - (e) any other body to which, or person to whom, the Mayor considers it appropriate to send a copy.
- (4) In determining the bodies to which or persons to whom it is appropriate to send a copy of the strategy under subsection (3)(e) above (if any), the bodies to which and the persons to whom the Mayor considers sending a copy must include bodies of each of the descriptions specified in section 32(3) above.
- (5) Each copy made available for inspection or sent under subsection (2) above shall be accompanied by a statement of the prescribed period within which representations may be made to the Mayor.
- (6) The persons who may make representations in accordance with the regulations include, in particular, the bodies and persons specified in subsection (3) above.
- (7) In this Part “representations made in accordance with the regulations” means representations made—
  - (a) in accordance with regulations made under section 343 below; and
  - (b) within the prescribed period.

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- (8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations made under section 343 below.

#### Textual Amendments

- F1** S. 335(1)-(1B) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 228(2)(a), 240(2), [Sch. 25 Pt. 33](#); [S.I. 2012/1008](#), art. 3(c)(f) (with arts. 7, 9-11)
- F2** Word in s. 335(2) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 228\(2\)\(b\)](#), 240(2); [S.I. 2012/1008](#), art. 3(c) (with arts. 7, 9-11)
- F3** S. 335(3)(aa) inserted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 228\(2\)\(c\)](#), 240(2); [S.I. 2012/1008](#), art. 3(c) (with arts. 7, 9-11)

#### Commencement Information

- II** S.335 wholly in force at 3.7.2000: s.335 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 335 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

### 336 Withdrawal.

- (1) The proposed spatial development strategy prepared under section 335(2)(a) above may be withdrawn by the Mayor at any time before he publishes the spatial development strategy.
- (2) On the withdrawal of the proposed spatial development strategy, the Mayor shall—
- withdraw the copies made available for inspection in accordance with section 335 above; and
  - give notice that the proposed spatial development strategy has been withdrawn to every body or person falling within subsection (3) below.
- (3) Those bodies and persons are—
- the Assembly;
  - each of the functional bodies;
  - each of the bodies and persons specified in section 335(3) above; and
  - every body which, or person who, made representations in accordance with the regulations.
- (4) This section does not affect the duty to prepare and publish a spatial development strategy in accordance with the provisions of this Part.

### 337 Publication.

- (1) Subject to the following provisions of this section, the Mayor may publish the spatial development strategy.
- (2) The spatial development strategy published by the Mayor must be in the form of the proposed spatial development strategy under section 335(2)(a) above, either as originally prepared or as modified to take account of—
- any representations made in accordance with the regulations;
  - any direction given under subsection (7) below and not withdrawn;
  - any report made under section 338 below by a person conducting an examination in public; or

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- (d) any other material considerations.
- (3) Subsection (2) above is subject to the following provisions of this section.
- (4) The spatial development strategy must not be published by the Mayor until after—
- (a) he has considered any representations made in accordance with the regulations, or
  - (b) if no such representations are made, the expiry of the prescribed period,
- and, in either case, if an examination in public is to be held under section 338 below, must not be published until after the report of the person or persons conducting the examination in public has been made to the Mayor.
- (5) The provision that may be made by regulations under section 343 below includes provision prohibiting publication of the spatial development strategy until such further procedures as may be prescribed have been complied with.
- (6) If at any time it appears to the Secretary of State that it is expedient to do so for the purpose of avoiding—
- (a) any inconsistency with current national policies or [<sup>F4</sup>relevant [<sup>F5</sup>regional] planning guidance][<sup>F4</sup>the regional spatial strategy for a region which adjoins Greater London], or
  - (b) any detriment to the interests of an area outside Greater London,
- he may, at any time before the Mayor has published the spatial development strategy, give the Mayor a direction under subsection (7) below.
- (7) A direction under this subsection is a direction to the Mayor not to publish the spatial development strategy except in a form which includes modifications to the proposed spatial development strategy in such respects as are indicated in the direction, in order to—
- (a) remove the inconsistency mentioned in subsection (6)(a) above; or
  - (b) avoid the detriment mentioned in subsection (6)(b) above.
- (8) Where a direction under subsection (7) above is given to the Mayor, the Mayor must not publish the spatial development strategy unless—
- (a) he satisfies the Secretary of State that he has made the modifications necessary to conform with the direction; or
  - (b) the direction is withdrawn.
- (9) Subject to the following provisions of this Part, the spatial development strategy shall become operative on the date on which it is published by the Mayor.
- [<sup>F6</sup>(10) For the purposes of this section “relevant regional planning guidance” means any regional planning guidance issued by the Secretary of State so far as relating to an area which includes or adjoins Greater London.]
- (11) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations made under section 343 below.

#### Textual Amendments

- F4** Words in s. 337 substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), Sch. 7 para. 22\(2\)\(a\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)
- F5** Word in s. 337(6)(a) inserted (27.5.2000) by S.I. 2000/1435, art. 2, [Sch. 1 Pt. 1 para. 8](#)

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**F6** S. 337(10) omitted (28.9.2004 for E.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(2\)\(b\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

#### Commencement Information

**I2** S. 337 wholly in force at 3.7.2000: s. 337 in force at Royal Assent (11.11.1999) for certain purposes see s.425(2); s. 337 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

### 338 Examination in public.

- (1) Before publishing the spatial development strategy, the Mayor shall, unless the Secretary of State otherwise directs, cause an examination in public to be held.
- (2) The following provisions of this section have effect in relation to an examination in public under subsection (1) above.
- (3) An examination in public shall be conducted by a person or persons appointed by the Secretary of State for the purpose.
- (4) The matters examined at an examination in public shall be such matters affecting the consideration of the spatial development strategy as the person or persons conducting the examination in public may consider ought to be so examined.
- (5) The person or persons conducting an examination in public shall make a report to the Mayor.
- (6) No person shall have a right to be heard at an examination in public.
- (7) The following may take part in an examination in public—
  - (a) the Mayor; and
  - (b) any person invited to do so by the person or persons conducting the examination in public.
- (8) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at an examination in public.
- (9) The Authority shall defray—
  - (a) the fees and expenses of the person appointed to conduct an examination in public; and
  - (b) any other costs of holding an examination in public.

<sup>F7</sup>(10) . . . . .

#### Textual Amendments

**F7** S. 338(10) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 19](#)

#### Commencement Information

**I3** S.338 wholly in force at 3.7.2000: s. 338 in force at 11.11.1999 for certain purposes see s. 425(2); s. 338 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

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### *Review, alteration and replacement*

#### **339 Review of matters affecting the strategy.**

- (1) The Mayor shall keep under review the matters which may be expected to affect the development of Greater London or the planning of its development or which are otherwise relevant to the content of the spatial development strategy.
- (2) For the purpose of discharging his functions under subsection (1) above of keeping under review any matters relating to the area of a local planning authority outside Greater London, the Mayor shall consult that local planning authority about those matters.

#### **340 Reviews of the strategy.**

- (1) It shall be the duty of the Mayor to review the spatial development strategy from time to time.
- (2) If the Secretary of State so directs, the Mayor shall, within such time as the Secretary of State may specify in the direction, review the spatial development strategy or such part of it as may be specified in the direction.

#### **341 Alteration or replacement.**

- (1) The Mayor may at any time prepare and publish—
  - (a) alterations of the spatial development strategy, or
  - (b) a new spatial development strategy to replace it.
- (2) If the Secretary of State so directs, the Mayor shall, within such time as the Secretary of State may specify in the direction, prepare and publish—
  - (a) such alterations of the spatial development strategy as the Secretary of State directs; or
  - (b) a new spatial development strategy to replace it.
- (3) This Part (other than section 334(1) above) shall apply in relation to the preparation and publication of—
  - (a) alterations of the spatial development strategy, or
  - (b) a new spatial development strategy to replace it,as it applies in relation to the preparation and publication of the spatial development strategy (and shall apply in relation to the altered or new spatial development strategy as it applies in relation to the spatial development strategy).
- (4) In this Act, references to the spatial development strategy include, except where the context otherwise requires, a reference to—
  - (a) the spatial development strategy as altered; or
  - (b) a new spatial development strategy which replaces a previous spatial development strategy.

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### Supplementary provisions

#### 342 Matters to which the Mayor is to have regard.

- (1) In exercising his functions under the preceding provisions of this Part, the Mayor shall have regard to—
  - <sup>F8</sup>(a) the [<sup>F9</sup>regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009] for a region which adjoins Greater London;]
  - (b) such other matters as the Secretary of State may prescribe.
- (2) The matters to which the Mayor is to have regard by virtue of subsection (1) above are in addition to the matters to which he is to have regard by virtue of section 41(4) above.

#### Textual Amendments

- F8** S. 342(1)(a) substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(3\)](#) (with s. 111); [S.I. 2004/2202](#), art. 2(i)
- F9** Words in s. 342(1)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), [Sch. 5 para. 10](#); [S.I. 2009/3318](#), art. 4(gg)

#### Commencement Information

- I4** S. 342 wholly in force at 3.7.2000: s. 342 in force at 11.11.1999 for certain purposes see s. 425(2); s. 342 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

#### 343 Regulations.

- (1) Without prejudice to any other provision of this Part, the Secretary of State may make regulations with respect to all or any of the following—
  - (a) the form and content of the spatial development strategy;
  - (b) the documents (if any) which he requires to accompany the spatial development strategy;
  - (c) the procedure to be followed in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy or in connection with any review under section 339 above.
- (2) Regulations under this Part may make different provision for different parts of Greater London.

#### Commencement Information

- I5** S.343 wholly in force at 3.7.2000: s.343 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 343 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

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### *Implementation*

#### **344 Amendments of the Town and Country Planning Act 1990.**

- (1) The <sup>M1</sup>Town and Country Planning Act 1990 shall be amended as follows.
- (2) In section 12 (preparation of unitary development plan) after subsection (3B) there shall be inserted—
  - “(3C) In the case of a London borough, Part I of the unitary development plan shall be in general conformity with the spatial development strategy for the time being in force.”
- (3) In subsection (7) of that section (Part II to be in general conformity with Part I) after “Part I” there shall be inserted “ and, in the case of a London borough council, with the spatial development strategy ”.
- (4) In section 13 (public participation) after subsection (1) there shall be inserted—
  - “(1A) Where the local planning authority for a London borough have prepared a unitary development plan, they shall, before complying with subsection (2), make an application in accordance with regulations under section 26 to the Mayor of London for his written opinion whether the unitary development plan is in general conformity with the spatial development strategy.”
- (5) After subsection (5) of that section there shall be inserted—
  - “(5A) If, on an application under subsection (1A), the opinion given by the Mayor of London in accordance with regulations under section 26 is that the unitary development plan is not in general conformity with the spatial development strategy, the giving of the opinion shall be treated as the making by the Mayor of objections in accordance with the regulations.”
- (6) In section 15 (adoption of unitary development plan by local planning authority) after subsection (2) there shall be inserted—
  - “(2A) A unitary development plan shall not be adopted by a London borough council unless Parts I and II of the plan are in general conformity with the spatial development strategy.”
- (7) After section 21 there shall be inserted—

*“ Greater London: conformity with spatial development strategy*

#### **21A “Greater London: conformity with spatial development strategy.**

- (1) Where—
  - (a) a local planning authority in Greater London propose to make, alter or replace a unitary development plan;
  - (b) copies of proposed alterations of, or of a proposed new spatial development strategy to replace, the spatial development strategy have been made available for inspection under section 335(2) of the Greater London Authority Act 1999; and
  - (c) the local planning authority include in any relevant copy of the plan or proposals a statement that they are making the permitted assumption,



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the permitted assumption shall, subject to subsection (4), be made for all purposes (including in particular any question as to conformity between the plan and the spatial development strategy).

- (2) In this section “the permitted assumption” means the assumption that—
- (a) the proposed alterations or new spatial development strategy mentioned in subsection (1)(b); or
  - (b) if any proposed modifications to those proposed alterations or that new spatial development strategy have been published in accordance with regulations made under section 343 of the Greater London Authority Act 1999, the proposed alterations or spatial development strategy as so modified,

have become operative under section 337(9) of that Act.

- (3) For the purposes of subsection (1)(c) a copy is a relevant copy of a plan or proposals if it is served on the Greater London Authority.
- (4) The permitted assumption shall not be made at any time after the local planning authority know that the proposed alterations or new spatial development strategy mentioned in subsection (1)(b) have been withdrawn. ””

- (8) In section 26 (regulations and directions) in subsection (2), after paragraph (b) there shall be inserted—

“(bb) make provision with respect to the making of an application to the Mayor of London for a written opinion under section 13(1A) and the giving by him of such an opinion (including provision as to the time within which such an application or opinion must be made or given);”.

- (9) In section 74 (directions etc as to method of dealing with applications) after subsection (1A) there shall be inserted—

“(1B) Provision may be made by a development order—

- (a) for enabling the Mayor of London in prescribed circumstances, and subject to such conditions as may be prescribed, to direct the local planning authority for a London borough to refuse an application for planning permission of a prescribed description in any particular case;
- (b) for prohibiting a local planning authority to which any such direction is given from implementing the direction in prescribed circumstances or during prescribed periods; and
- (c) for modifying any provision of this Act relating to an appeal against a refusal of planning permission (and, in particular, any such provision concerning parties or costs) in its application in relation to a refusal in compliance with such a direction;

and in the preceding provisions of this subsection “prescribed” means prescribed by, or by directions made under, a development order.

- (1C) In determining whether to exercise any power under subsection (1B) to direct a local planning authority to refuse an application, the Mayor of London shall have regard to—

- (a) the development plan, and
- (b) the spatial development strategy prepared and published under Part VIII of the Greater London Authority Act 1999,

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so far as material to the application.”

(10) In section 336 (interpretation) the following definition shall be inserted at the appropriate place in subsection (1)—

““spatial development strategy” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning);”.

#### Marginal Citations

M1 1990 c. 8.

### 345 Town and Country Planning Act 1990: costs of appeals.

After section 322A of the <sup>M2</sup>Town and Country Planning Act 1990 there shall be inserted—

#### “322B Local inquiries in London: special provision as to costs in certain cases.

- (1) This section applies where—
  - (a) the local planning authority for a London borough refuse an application for planning permission,
  - (b) that refusal is in compliance with a direction made by the Mayor of London in accordance with provision made in a development order by virtue of section 74(1B)(a), and
  - (c) an appeal against the refusal is made to the Secretary of State under section 78.
- (2) If the Secretary of State causes a local inquiry to be held under section 320(1) to determine the appeal, in its application to the inquiry section 250 of the 1972 Act shall be treated as if—
  - (a) for subsection (4) there were substituted the subsection set out at subsection (5) below, and
  - (b) for subsection (5) there were substituted the subsection set out at subsection (6) below.
- (3) If the appeal does not give rise to a local inquiry under section 320, in the application of section 322(2) in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (4) If arrangements are made for a local inquiry in relation to the appeal and the inquiry does not take place, in the application of section 322A in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (5) The subsection referred to in subsection (2)(a) above is as follows—
- (“) Where this subsection applies to an inquiry, the costs incurred by the Secretary of State in relation to the inquiry shall be paid—
  - (a) by the Mayor of London, if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making

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the direction in accordance with which the local planning authority refused the planning permission, or

- (b) if the Mayor is a party or if the Secretary of State does not so decide, by such local authority or party to the inquiry as he may direct;

and the Secretary of State may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by the Mayor or by any authority or person shall be recoverable from the Mayor or from that authority or person by the Secretary of State summarily as a civil debt. ”

(6) The subsection referred to in subsection (2)(b) above is as follows—

(“ Where this subsection applies to an inquiry, or to costs incurred for the purposes of an inquiry, the Secretary of State may make orders as to the costs of the parties to the inquiry and as to the parties by whom the costs are to be paid; and—

- (a) the parties by whom the costs are ordered to be paid may include the Mayor of London if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission;
- (b) every such order may be made a rule of the High Court on the application of any party named in the order. ”

(7) In this section “the 1972 Act” means the Local Government Act 1972.”

#### Marginal Citations

M2 1990 c. 8.

#### Miscellaneous and supplemental

### 346 Monitoring and data collection.

It shall be the duty of the Mayor—

- (a) to monitor the implementation of the spatial development strategy;
- (b) to monitor the [F10unitary development plan][F10local development documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004)] of each London borough council; and
- (c) to monitor, and collect information about, matters relevant to the preparation, review, alteration, replacement or implementation of the spatial development strategy.

#### Textual Amendments

**F10** Words in s. 346(b) substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(4\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

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### 347 Functional bodies to have regard to the strategy.

In exercising any function, each of the functional bodies shall have regard to the spatial development strategy<sup>F11</sup>, 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)].

#### Textual Amendments

**F11** Words in s. 347 inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 50](#)

### 348 Mayor's functions as to planning around Greater London.

- (1) The Mayor shall inform—
  - (a) the local planning authorities for areas in the vicinity of Greater London,
  - (b) any body on which those authorities are represented, or
  - (c) any other body which the Mayor considers should be informed,
 of his views concerning any matters of common interest, whether general or specific, relating to the planning or development of Greater London or those areas.
- (2) The Mayor may also inform those authorities, or any such body, of his views concerning any other matters, whether general or specific, relating to the planning or development of those areas.
- (3) The Mayor shall from time to time consult the London borough councils about the exercise of his functions under this section.
- (4) The Mayor may make contributions towards defraying the expenses of any body on which the Authority is represented for the purpose of facilitating the discharge of the Mayor's functions under this section.

### 349 Abolition of joint planning committee for Greater London.

The joint planning committee for Greater London established under section 5 of the <sup>M3</sup>Local Government Act 1985 and continued by section 3 of the <sup>M4</sup>Town and Country Planning Act 1990 is abolished by this section.

#### Marginal Citations

**M3** 1985 c. 51.

**M4** 1990 c. 8.

### 350 Interpretation of Part VIII.

- (1) In this Part, except where the context otherwise requires,—
  - “prescribe” means prescribe by regulations;
  - “regulations” means regulations made by the Secretary of State;
  - “representations made in accordance with the regulations” shall be construed in accordance with section 335(7) above.
- (2) For the purposes of this Part—

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- (a) the City of London shall be treated as if it were a London borough;
- (b) the Common Council shall be treated as if it were the council for a London borough; and
- (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.

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**Commencement Information**

- 16** S.350 wholly in force at 3.7.2000: s.350 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 350 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

**Status:**

Point in time view as at 26/02/2015.

**Changes to legislation:**

Greater London Authority Act 1999, Part VIII is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.