
DRAFT STATUTORY INSTRUMENTS

2017 No.

The West of England Combined Authority Order 2017

PART 6

Housing and regeneration

Conferral of functions corresponding to functions that the HCA has in relation to the Area

18.—(1) The functions of the HCA which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(**1**);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority may exercise the functions contained in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to, the following objects—

- (a) to improve the supply and quality of housing in the Area;
- (b) to secure the regeneration or development of land or infrastructure in the Area;
- (c) to support in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) to contribute to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

(3) The functions contained in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 and 3 to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(1) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

(5) Section 23(3) of the Land Compensation Act 1961 (compensation where planning decision made after acquisition)(2) applies in relation to an acquisition by the Combined Authority as it applies to the HCA.

Acquisition and appropriation of land for planning and public purposes

19.—(1) The functions of the constituent councils specified in the following provisions as applied by article 21(2) to (5) are exercisable by the Combined Authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(3);
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(4);
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(5);
- (i) section 237 of the 1990 Act (power to override easements and other rights)(6);
- (j) section 238 of the 1990 Act (use and development of consecrated land);
- (k) section 239 of the 1990 Act (use and development of burial grounds);
- (l) section 241 of the 1990 Act (use and development of open spaces);
- (m) section 17 of the 1985 Act (acquisition of land for housing purposes)(7); and
- (n) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The functions are exercisable concurrently with the constituent councils.

Condition on the exercise of the functions conferred by articles 18 and 19

20.—(1) The exercise by the Combined Authority of the functions specified in articles 18 and 19 on or before 7th May 2017 require a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

(2) The exercise by the Combined Authority of the functions in section 17 of the 1985 Act (acquisition of land for housing purposes) (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act (acquisition of land) and section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes) requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land subject to the proposed compulsory acquisition, or

(2) 1961 c. 33. Section 23 was amended by section 66 of, and paragraph 1 of Schedule 14 to, the Planning and Compensation Act 1991 (c. 34), sections 181 and 187 of, and paragraph 1 of Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and by section 56 of, and paragraph 2 of Schedule 8 to, the 2008 Act.

(3) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(4) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013.

(5) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(6) Section 237 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 and by section 194 of, and paragraph 4 of Schedule 9 to, the Planning Act 2008.

(7) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(b) substitute members acting in place of those members,
to be provided at a meeting of the Combined Authority.

Application of provisions of the 1985 Act, the 1990 Act and the 2008 Act

21.—(1) This article has effect in consequence of articles 18 and 19.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 19(1)(m) and (n), the Combined Authority is to be treated as a local housing authority for the Area⁽⁸⁾.

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the functions specified in article 19(1) and land acquired by the Combined Authority under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 4.

⁽⁸⁾ In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.