



# Localism Act 2011

## 2011 CHAPTER 20

### PART 8 **E+W**

#### LONDON

### CHAPTER 2 **E+W**

#### MAYORAL DEVELOPMENT CORPORATIONS

##### *Establishment and areas*

#### **197 Designation of Mayoral development areas **E+W****

- (1) The Mayor may designate any area of land in Greater London as a Mayoral development area.
- (2) Separate parcels of land may be designated as one Mayoral development area.
- (3) The Mayor may designate a Mayoral development area only if—
  - (a) the Mayor considers that designation of the area is expedient for furthering any one or more of the Greater London Authority's principal purposes,
  - (b) the Mayor has consulted the persons specified by subsection (4),
  - (c) the Mayor has had regard to any comments made in response by the consultees,
  - (d) in the event that those comments include comments made by the London Assembly or a consultee under subsection (4)(d), (e), (f) or (g) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance,
  - (e) the Mayor has laid before the London Assembly, in accordance with standing orders of the Greater London Authority, a document stating that the Mayor is proposing to designate the area, and

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- (f) the consideration period for the document has expired without the London Assembly having rejected the proposal.
- (4) The persons who have to be consulted before an area may be designated are—
- (a) the London Assembly,
  - (b) each constituency member of the London Assembly whose Assembly constituency contains any part of the area,
  - (c) each Member of Parliament whose parliamentary constituency contains any part of the area,
  - (d) each London borough council whose borough contains any part of the area,
  - (e) the Common Council of the City of London if any part of the area is within the City,
  - (f) the sub-treasurer of the Inner Temple if any part of the area is within the Inner Temple,
  - (g) the under treasurer of the Middle Temple if any part of the area is within the Middle Temple, and
  - (h) any other person whom the Mayor considers it appropriate to consult.
- (5) For the purposes of subsection (3)(f)—
- (a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the London Assembly in accordance with standing orders of the Greater London Authority, and
  - (b) the London Assembly rejects a proposal if it resolves to do so on a motion—
    - (i) considered at a meeting of the Assembly throughout which members of the public are entitled to be present, and
    - (ii) agreed to by at least two thirds of the Assembly members voting.
- (6) If the Mayor designates a Mayoral development area, the Mayor must—
- (a) publicise the designation,
  - (b) notify the Secretary of State of the designation, and
  - (c) notify the Secretary of State of the name to be given to the Mayoral development corporation for the area.
- (7) Section 30(2) of the Greater London Authority Act 1999 (interpretation of references to the Authority's principal purposes) applies for the purposes of subsection (3)(a).

#### Commencement Information

- I1** S. 197(1)(2)(3)(a)-(d)(4)(6)(7) in force at 15.1.2012 see [s. 240\(1\)\(l\)](#)
- I2** S. 197(3)(e)(f)(5) in force at 15.1.2012 by [S.I. 2012/57](#), [art. 4\(1\)\(bb\)](#) (with [arts. 6, 7](#), [arts. 9-11](#))

## 198 Mayoral development corporations: establishment E+W

- (1) Subsection (2) applies if the Secretary of State receives notification under section 197(6) of the designation of a Mayoral development area.
- (2) The Secretary of State must by order—
- (a) establish a corporation for the area,
  - (b) give the corporation the name notified to the Secretary of State by the Mayor, and

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- (c) give effect to any decisions notified under section 202(8) (decisions about planning functions, but see also sections 199(4) and 214(6) as regards other decisions to which effect has to be given).
- (3) A corporation established under subsection (2) is a Mayoral development corporation.
- (4) A Mayoral development corporation is a body corporate having the name given to it by the order establishing it.
- (5) In exercising power under subsection (2) to make provision of the kind mentioned in section 235(2)(b), the Secretary of State is to have regard to any relevant representations received from the Mayor.
- (6) Schedule 21 (further provision about MDCs) has effect.

### **199 Exclusion of land from Mayoral development areas** **E+W**

- (1) The Mayor may alter the boundaries of a Mayoral development area so as to exclude any area of land.
- (2) Before making an alteration, the Mayor must consult—
  - (a) the London Assembly, and
  - (b) any other person whom the Mayor considers it appropriate to consult.
- (3) If the Mayor makes an alteration, the Mayor must—
  - (a) publicise the alteration,
  - (b) notify the Secretary of State of the alteration, and
  - (c) notify the MDC for the area (if an MDC has been established for that area).
- (4) If the Secretary of State receives notification under subsection (3) of an alteration, the Secretary of State must give effect to the alteration—
  - (a) when making the order under section 198(2) that establishes an MDC for the Mayoral development area concerned, or
  - (b) by exercising the power to amend that order (see section 14 of the Interpretation Act 1978).

### **200 Transfers of property etc to a Mayoral development corporation** **E+W**

- (1) The Secretary of State may at any time make a scheme transferring to an MDC property, rights and liabilities of a person within subsection (3).
- (2) Before making a scheme under subsection (1), the Secretary of State must consult—
  - (a) the person whose property, rights or liabilities would be transferred, and
  - (b) the Mayor.
- (3) A person is within this subsection if the person is—
  - (a) a London borough council,
  - (b) the Common Council of the City of London in its capacity as a local authority,
  - (c) the Homes and Communities Agency,
  - (d) a development corporation established under the New Towns Act 1981 for a new town all or part of whose area is in Greater London,
  - (e) an urban development corporation for an urban development area all or part of which is in Greater London,

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- (f) the Olympic Delivery Authority,
  - (g) any company, or other body corporate, which is a wholly-owned subsidiary of the Olympic Delivery Authority,
  - (h) any company, or other body corporate, which—
    - (i) is a subsidiary of the Olympic Delivery Authority, and
    - (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,
  - (i) a Minister of the Crown or a government department,
  - (j) any company all the shares in which are held by a Minister of the Crown, or
  - (k) any company whose members—
    - (i) include the Mayor and a Minister of the Crown, and
    - (ii) do not include anyone who is neither the Mayor nor a Minister of the Crown.
- (4) The Mayor may at any time make a scheme transferring to an MDC property, rights and liabilities of—
- (a) the Greater London Authority,
  - (b) a functional body other than that MDC, or
  - (c) a company that is a subsidiary of the Greater London Authority.
- (5) The Mayor must publish a scheme under subsection (4) as soon after it is made as is reasonably practicable.
- (6) The Secretary of State may by order specify another person, or a description of other persons, from whom property, rights or liabilities may be transferred under subsection (1) or (4).
- (7) In subsection (3)(g) “wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006.
- (8) For the purposes of subsection (3)(h) 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.
- (9) In subsection (4)(c)—
- “company” means—
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
  - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969, and
- “subsidiary” has the meaning given by section 1159 of the Companies Act 2006.
- (10) In this section—
- “functional body” has the meaning given by section 424(1) of the Greater London Authority Act 1999;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

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“public authority” means a public body or a Minister of the Crown or other holder of a public office;

“urban development corporation” means a corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.

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