

Status: Point in time view as at 16/11/2011.

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SCHEDULES

VALID FROM 04/04/2012

SCHEDULE 1

Section 1

GENERAL POWER OF COMPETENCE: CONSEQUENTIAL AMENDMENTS

.....

VALID FROM 03/12/2011

SCHEDULE 2

Section 21

NEW ARRANGEMENTS WITH RESPECT TO GOVERNANCE OF ENGLISH LOCAL AUTHORITIES

.....

VALID FROM 03/12/2011

SCHEDULE 3

Section 22

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING
TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

.....

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SCHEDULE 4

Section 26

CONDUCT OF LOCAL GOVERNMENT MEMBERS

VALID FROM 31/01/2012

PART 1

AMENDMENTS OF EXISTING PROVISIONS

VALID FROM 01/04/2012

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.

VALID FROM 01/04/2012

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.

VALID FROM 01/04/2012

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.

VALID FROM 01/07/2012

Local Government and Housing Act 1989 (c. 42)

- 4 (1) Section 3A of the Local Government and Housing Act 1989 (grant and supervision of exemptions from political restriction: England) is amended as follows.
- (2) In subsection (1)—
- (a) for “standards committee” substitute “ head of paid service ”,
 - (b) omit “which is a relevant authority”,

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- (c) in paragraph (a) for “committee” substitute “ head of paid service ”, and
 - (d) in that paragraph and paragraph (b) omit “relevant”.
- (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”.
- (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”.
- (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 ”,
 - (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 ”.
- (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).
 - (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.”
- (10) Omit subsections (8) to (10).

Audit Commission Act 1998 (c. 18)

5

In section 49(1)(de) of the Audit Commission Act 1998 (disclosure of information by Commission or auditor etc for purposes of functions of ethical standards officer or Public Services Ombudsman for Wales) omit “an ethical standards officer or”.

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Data Protection Act 1998 (c. 29)

- 6 In section 31 of the Data Protection Act 1998 (exemptions from subject information provisions for data processed in connection with certain regulatory functions)—
- (a) in subsection (7) omit paragraph (b), and
 - (b) in subsection (8)(b) omit “, or to an ethical standards officer”.

Local Government Act 2000 (c. 22)

VALID FROM 01/07/2012

- 7 The Local Government Act 2000 is amended as follows.

VALID FROM 01/07/2012

- 8 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended as follows.
- (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 ”,
 - (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 ”.

VALID FROM 01/07/2012

- 9 (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—
 - (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”.

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	(8) Omit subsections (6) and (7).
10	<p>(1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended as follows.</p> <p>(2) In subsection (4C) omit the words from “by a” to “police authority”.</p> <p>(3) In subsection (6)(c)—</p> <ul style="list-style-type: none">(a) omit sub-paragraph (i), and(b) in sub-paragraph (ii) omit the words from “in the case” to “in Wales,”.
	VALID FROM 01/07/2012
11	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”.
12	<p>(1) Section 53 (standards committees) is amended as follows.</p> <p>(2) In subsection (2) omit “parish council or”.</p> <p>(3) Omit subsections (3) to (10).</p> <p>(4) In subsection (11)—</p> <ul style="list-style-type: none">(a) in paragraph (a) omit “in Wales other than police authorities”, and(b) in paragraph (k) omit “in Wales (other than police authorities)”. <p>(5) In subsection (12) omit “(6)(c) to (f) or”.</p>
13	<p>(1) Section 54 (functions of standards committees) is amended as follows.</p> <p>(2) Omit subsection (4).</p> <p>(3) In subsection (5) omit “in Wales (other than police authorities)”.</p> <p>(4) Omit subsection (6).</p> <p>(5) In subsection (7) omit “in Wales (other than police authorities)”.</p>
	VALID FROM 01/07/2012
14	<p>(1) Section 54A (sub-committees of standards committees) is amended as follows.</p> <p>(2) In subsection (3) omit “, but this is subject to section 55(7)(b)”.</p> <p>(3) Omit subsection (4).</p> <p>(4) In subsection (5) omit “in Wales other than a police authority”.</p> <p>(5) In subsection (6)—</p> <ul style="list-style-type: none">(a) omit “section 55(5) and to”, and(b) for “53(6)(a) or (11)(a)” substitute “ 53(11)(a) ”.

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VALID FROM 01/07/2012	
15	Omit section 55 (standards committees for parish councils).
VALID FROM 01/07/2012	
16	Omit section 56A (joint committees of relevant authorities in England).
17	Omit section 57 (Standards Board for England).
18	Omit section 57A (written allegations: right to make, and initial assessment).
19	Omit section 57B (right to request review of decision not to act).
20	Omit section 57C (information to be given to subject of allegation).
21	Omit section 57D (power to suspend standards committee's functions).
22	Omit section 58 (allegations referred to Standards Board).
23	Omit section 59 (functions of ethical standards officers).
24	Omit section 60 (conduct of investigations).
25	Omit section 61 (procedure in respect of investigations).
26	Omit section 62 (investigations: further provisions).
27	Omit section 63 (restrictions on disclosure of information).
28	Omit section 64 (reports etc).
29	Omit section 65 (interim reports).
30	Omit section 65A (disclosure by monitoring officers of ethical standards officers' reports).
VALID FROM 07/06/2012	
31	Omit section 66 (matters referred to monitoring officers).
VALID FROM 01/07/2012	
32	Omit section 66A (references to First-tier Tribunal).
33	Omit section 66B (periodic returns).
34	Omit section 66C (information requests).
35	Omit section 67 (consultation with ombudsmen).
VALID FROM 01/07/2012	
36	In section 68(2) (guidance by Public Services Ombudsman for Wales)— (a) in paragraph (a)— (i) omit “in Wales (other than police authorities)”, and

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	(ii) for “such” substitute “ those ”, and (b) in paragraph (b) omit “in Wales (other than police authorities)”.
	VALID FROM 01/07/2012
37	(1) Section 69 (investigations by the Public Services Ombudsman for Wales) is amended as follows. (2) In subsection (1) omit “in Wales” in both places. (3) In subsection (5) omit “in Wales”.
	VALID FROM 01/07/2012
38	(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 ”. (3) In subsection (5) omit “in Wales”.
	VALID FROM 01/07/2012
39	In section 71(4) (reports etc) omit “in Wales”.
	VALID FROM 01/07/2012
40	In section 72(6) (interim reports) omit “in Wales”.
	VALID FROM 01/07/2012
41	In section 73 (matters referred to monitoring officers) omit subsection (6).
	VALID FROM 01/07/2012
42	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”.
43	(1) Section 78 (decisions of the First-tier Tribunal or interim case tribunals) is amended as follows. (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”.

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	(4) In subsection (2) for “the tribunal concerned” substitute “ the interim case tribunal ”.
	(5) In subsection (3) for “the tribunal concerned” substitute “ the interim case tribunal ”.
	(6) Omit subsection (4).
	(7) In subsection (6) omit “78A or”.
	(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—
	(a) “The First-tier Tribunal or (as the case may be)”, and
	(b) “59 or”.
	(10) Omit subsections (9A) to (9D).
	VALID FROM 01/07/2012
44	Omit section 78A (decisions of First-tier Tribunal).
45	Omit section 78B (section 78A: supplementary).
	VALID FROM 01/07/2012
46	In section 79(13) (decisions of case tribunals: Wales) in subsection (13) omit “in Wales”.
47	(1) Section 80 (recommendations by First-tier Tribunal or case tribunals) is amended as follows.
	(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 ”.
	(6) In subsection (5) for “relevant person” in both places substitute “ Public Services Ombudsman for Wales ”.
	(7) Omit subsection (6).
48	(1) Section 81 (disclosure and registration of members' interests) is amended as follows.
	(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 “if it is a relevant authority in Wales,”.

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	(4) Omit subsection (8).
	VALID FROM 01/07/2012
49	(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”. (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— (a) paragraph (a), and (b) in paragraph (b) “in relation to Wales,”.
	VALID FROM 01/07/2012
50	In section 82A (monitoring officers: delegation of functions under Part 3), omit “57A, 60(2) or (3), 64(2) or (4),”.
	VALID FROM 01/07/2012
51	(1) Section 83 (interpretation of Part 3) is amended as follows. (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).
	VALID FROM 01/07/2012
52	In section 105(6) (orders and regulations) omit “, 49, 63(1)(j)”.
53	Omit Schedule 4 (Standards Board for England).

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VALID FROM 01/04/2012

Freedom of Information Act 2000 (c. 36)

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

VALID FROM 01/07/2012

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

- 55 (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.
- (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.
- (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

PROVISION SUPPLEMENTARY TO PART 1

VALID FROM 01/07/2012

Codes of conduct under the Local Government Act 2000

- 56 (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.
- (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.

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

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

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

- 58 (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—
- (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.

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- (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 57).
- (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.

VALID FROM 01/07/2012

Final statement of accounts

- 59
- (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 after the end of that financial year and ending immediately before the abolition date.
 - (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.
 - (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.
 - (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.

VALID FROM 01/07/2012

Disclosure of information

- 60
- (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 58(4) as it applies to information obtained by an ethical standards officer.

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- (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.
- (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 applied before its repeal (including by virtue of this paragraph).

VALID FROM 01/07/2012

Interpretation

- 61 In this Part of this Schedule—
- “the abolition date” means the date on which paragraphs 17 and 53 (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 57(1);
 - “financial year” means the period of 12 months ending with 31 March in any year.

VALID FROM 03/12/2011

SCHEDULE 5

Section 72

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

PROSPECTIVE

This is the Chapter referred to in section 72(1)—

“CHAPTER 4ZA

REFERENDUMS RELATING TO COUNCIL TAX INCREASES

Interpretation of Chapter

52ZA Interpretation of Chapter

- (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

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- (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;
 - (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

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.
- (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.
- (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.
- (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

- (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—
 - (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—
 - (a) the authority's relevant basic amount of council tax for the year under consideration, and

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- (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—
 - (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.
- (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.
- (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—
 - (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).
- (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.
- (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—
 - (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.
- (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.

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.
- (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.

Status: Point in time view as at 16/11/2011.

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- (3) A report under this section—
- (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;
 - (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.
- (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.
- (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.
- (2) Substitute calculations for a financial year comply with this section if—
 - (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
 - (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
 - (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.

Status: Point in time view as at 16/11/2011.

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- (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—
- (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.
- (2) Subject as follows, the referendum is to be held on a date decided by the billing authority.
- (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—
 - (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) 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.
- (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;
 - (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;

“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

- (1) The billing authority must inform the Secretary of State of the result of the referendum.

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- (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.
- (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.
- (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.
- (2) If the authority has not made those substitute calculations, during the period of restriction the authority has no power to transfer any 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.

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

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- (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
 - (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.
- (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—
- (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 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;
 - “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
 - (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

- (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
 - (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.
- (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

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- (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.
- (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.
- (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 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.
- (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.
- (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.
- (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.
- (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

- (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
 - (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

- (1) The local precepting authority must notify its appropriate billing authority—

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- (a) that its relevant basic amount of council tax for a financial year is excessive, and
 - (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.
- (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.

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.
- (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.
- (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.
- (5) An order under subsection (2) or (4) above must be made not later than—
- (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.
- (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—
 - (i) the precepting authority's area, and
 - (ii) the billing authority's area.
- (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.

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- (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.
- (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;
 - (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.

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
 - (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.
- (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—
 - (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.
- (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.
- (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).

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- (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
 - (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—
- (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
 - (b) the reference to the amount stated in accordance with section 40 above were to the amount stated in accordance with 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—
- (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.

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.
- (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.
- (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.
- (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
 - (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

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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).

- (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.
- (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).
- (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.

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—
 - (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.
- (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—
 - (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;
 - (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);
 - (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;
 - (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.

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- (6) Before making any regulations under this section, the Secretary of State must consult the Electoral Commission.
- (7) No regulations under this section are to be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.
- (8) 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

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—
 - (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.
- (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—
 - (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—
 - (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.
- (4) A direction under this section may be given to an authority other than the Greater London Authority—
 - (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.
- (6) But a direction under this section may not be given to an authority if—

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- (a) a referendum has been held relating to the authority's relevant basic amount of council tax for the financial year, and
 - (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—
- (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;
 - (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
 - (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,
 - (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
 - (d) in the case of a local precepting authority, calculations under section 49A above;
- “the referendum provisions” means—
- (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
 - (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.
- (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.

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- (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)—
 - (a) those calculations are of no effect, and
 - (b) the authority must make substitute calculations for the year in accordance with section 36A above.
- (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
 - (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.
- (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.
- (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)—
 - (a) those calculations are of no effect, and
 - (b) the authority must make substitute calculations for the year in accordance with section 49 above.
- (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
 - (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.
- (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—
 - (a) the relevant constituent body alone, or

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- (b) the relevant constituent body and one or more other constituent bodies.
- (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.
- (5) The Greater London Authority must make calculations in substitution in accordance with the provisions mentioned in subsection (4)(b) above.
- (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—
 - (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—
 - (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
 - (c) in making the calculations under section 88(2) or 89(3) of that Act, the Authority fails to comply with subsection (8) below.
- (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.
- (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
 - (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.
- (11) Any substitute calculations under this section are to be made in accordance with Schedule 7 to the Greater London Authority Act 1999.

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(12) In this Part—

“component council tax requirement” has the meaning given by section 85(6) of the Greater London Authority Act 1999;

“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).

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.
- (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.
- (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).

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
 - (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 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 which 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.

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- (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, or
 - (ii) anticipated by it in pursuance of regulations under section 41 above, or
 - (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.
- (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.
- (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 the amount of any levies—
- (a) issued to it for the year, or

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- (b) anticipated by it in pursuance of regulations under section 74 of the 1988 Act.
- (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—
- (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—
- (i) to take into account the amount of any levies issued to a constituent body for the year, or
- (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body, 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, or
- (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body.
- (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.

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- (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.

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.
- (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.
- (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.”

VALID FROM 03/12/2011

SCHEDULE 6

Section 72

COUNCIL TAX REFERENDUMS: FURTHER AMENDMENTS

Local Government Finance Act 1992 (c. 14)

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—

“(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 precepting authority in question administrative expenses incurred by it in, or in consequence of, so doing.”

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- (4) In subsection (5) at the beginning insert “ Subject to any provision made by regulations under subsection (6) below, ”.
- (5) After subsection (5) insert—
- “(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, ”.
- 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)—
- (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)—
- (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)—
- (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)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) for “his” substitute “ their ”.
- (3) In subsection (3)—
- (a) in paragraph (c)—
- (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 ”.
- 7 (1) Section 52D (designation or nomination) is amended as follows.

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- (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.
- (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 ”,
 - (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.
- (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
 - (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)—
- (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 ”.
- (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)—
- (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)—

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- (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 ”.
 - (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
 - (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 ”.
 - (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 ”.
- 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
 - (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.
 - (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.
 - (2A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”

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- (4) In subsection (4)(b) omit “52I or”.
- 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 ”,
 - (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
 - (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 ”,
 - (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
 - (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 ”.
- (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 ”.
- (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 ”,
 - (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 ”.
- (4) In subsection (3)—

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- (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)—
- (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 ”.
- 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)—
- (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 ”.
- (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)—
- (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 ”.
- 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)—
- (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)—

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- (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers”,
and
(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)—
(a) for “Secretary of State” substitute “ Welsh Ministers ”, and
(b) in paragraph (b) for “he alters” substitute “ they alter ”.
- (9) In subsection (8)—
(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)—
(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
(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 ”.
(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 ”.
- 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)—
(a) omit paragraph (a), and
(b) in paragraph (b) omit “(in any other case)”.

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- (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.
- (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.”
 - (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.
- (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
 - (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.
- (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
 - (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)—

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	(a) for “Secretary of State” substitute “ Welsh Ministers ”,
	(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)—
	(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
	(b) before “52J” insert “ 52ZJ, ”.
31	In section 106(2)(a) (council tax: restrictions on voting) after “IV” insert “ , 4ZA ”.
32	In section 113(3) (orders and regulations to be subject to annulment by either House of Parliament, except in certain cases) after “except in the case of” insert “ regulations under section 52ZQ above or ”.
	<i>Police Act 1996 (c. 16)</i>
33	In section 41(2) of the Police Act 1996 (direction as to minimum budget) after “Chapter” insert “ 4ZA or ”.
	<i>Greater London Authority Act 1999 (c. 29)</i>
34	The Greater London Authority Act 1999 is amended as follows.
35	In section 95 (minimum budget for Metropolitan Police Authority) after subsection (3) insert—
	“(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).”
36	In section 96 (provisions supplementary to section 95) after subsection (6) insert—
	“(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).”
37	(1) Schedule 6 (procedure for determining the authority's consolidated budget requirement) is amended as follows.

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(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).

(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 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—

(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

(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.”

(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.

(2) The Mayor shall also prepare a draft substitute consolidated budget that complies with those principles.

(3) The Mayor shall—

(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.

(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.”

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(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.”

(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.”

(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—

- (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.

Approval of substitute consolidated budget by Assembly following compliance by Mayor with paragraph 6A

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
- (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).

(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.

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(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.

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 but 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
- (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.

(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.”

(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.”

38 (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 ”.

(3) In paragraph 6(1) for “52K or 52V” substitute “ 52ZW ”.

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VALID FROM 03/12/2011

SCHEDULE 7

Section 79

COUNCIL TAX: MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Finance Act 1988 (c. 41)

- 1 The Local Government Finance Act 1988 is amended as follows.
- 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)—
- (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.
- (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
 - (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
 - (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

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issued to the authority by major precepting authorities.”

- (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
 - (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.

(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),
- (b) at the end of paragraph (c) insert “ and ”, and
- (c) omit paragraph (e).

(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.”

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- (8) In subsection (7)(a)—
- (a) in sub-paragraph (i) omit “general fund or (as the case may be)”, and
 - (b) 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”.
- (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
 - (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 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

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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.

- (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
 - (b) the billing authority fails to comply with subsection (3) below in making the substitute calculations.
- (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.
- (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.”

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 ”.

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- (6) In subsection (8) after “subsection” insert “ (5A), ”.
- (7) In subsection (9)—
- (a) in paragraph (a)—
 - (i) for “(2)(a)” substitute “ (2)(a)(i) ”, and
 - (ii) for “43 to 47” substitute “ sections 42A, 42B and 45 to 47 ”,
 - (b) in paragraph (b)—
 - (i) for “(3)” substitute “ (3)(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;
 - (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)—
- (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.
- (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 subsection (2)(a) omit the words from “, other than” to “1988 Act”.
 - (5) In subsection (3)(a)—
 - (a) at the end of sub-paragraph (i) insert “ or ”, and

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- (b) omit sub-paragraph (iii).
- (6) Omit subsection (5).
- (7) 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.
- “**(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.”
- (8) 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) ”.
- 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) Omit subsection (3).
- (5) In subsection (4) omit “or subsection (3) above”.
- (6) In each of subsections (4) and (5) for “Secretary of State” substitute “ Welsh Ministers ”.
- 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
- (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.
- (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) or (as the case may be) 44(1) above or under section ”, and
- (b) in the definition of item T after the second “in” insert “ section 31B(1) or (as the case may be) ”.

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- (4) In subsection (3) for “44(1) or” substitute “ 42B(1) or 44(1) above or under section ”.
- 26 (1) Section 49 (substitute calculations) is amended as follows.
- (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”.
- (b) in paragraph (a) for “other than the Greater London Authority” substitute “ in Wales ”,
- (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 ”.
- (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.”
- (6) In subsection (3) for “the authority” substitute “ an authority in Wales ”.
- (7) In subsection (3A)—
- (a) for “authority” substitute “ Greater London Authority ”, and
- (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.”
- 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 ”.

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- 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
(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
(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
(b) after paragraph (b) insert—
“(ba) the determination of an amount for item T in
section 42B(1) above;”.
(4) In subsection (3) for “(2)(c)” substitute “ (2)(ba) or (c) ”.
- 31 In section 69 (interpretation of Part 1) omit subsection (2A).
- 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. ”
- 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 ”.
- 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.
(2) In each of the following provisions for “budget” substitute “ council tax ”
(a) subsection (1),
(b) subsection (2),
(c) subsection (5)(a), and

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	(d) subsection (7)(b) (in both places).
	(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 ”
	(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; ”,
	(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)
	—
	(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. ”
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),
	(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”).
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
	(b) paragraph 7A(1), (2)(a), (3), (5) to (9) and (11).
	<i>Local Government Act 2003 (c. 26)</i>
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 ”.
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

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(b) in paragraph (b) after “section” insert “ 42A or ”.

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)—

(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 ”.

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) ”.

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) ”.

Police Reform and Social Responsibility Act 2011 (c. 13)

52 The Police Reform and Social Responsibility Act 2011 is amended as follows.

53 In section 18(7)(f) (function of calculating budget requirement may not be delegated by police and crime commissioner)—

(a) after “calculating a” insert “ council tax requirement or a ”, and

(b) after “section” insert “ 42A or ”.

54 In section 22(2) (minimum budget for police and crime commissioner: amendments to section 41(1) of the Police Act 1996) for paragraph (c) substitute—

“(c) for “its” substitute “the commissioner's”.”

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SCHEDULE 8

Section 109

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—
- (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).

PROSPECTIVE

Regional Development Agencies Act 1998 (c. 45)

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

PROSPECTIVE

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”.
- 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”.

Planning and Compulsory Purchase Act 2004 (c. 5)

PROSPECTIVE

- 7 The Planning and Compulsory Purchase Act 2004 is amended as follows.

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PROSPECTIVE

8 In section 15(3) (preparation of local development scheme) omit paragraph (c).

PROSPECTIVE

9 In section 19(2) (preparation of local development documents) omit paragraphs (b) and (d).

PROSPECTIVE

10 (1) Section 24 (conformity with regional strategy) is amended as follows.
(2) In the heading for “regional strategy” substitute “ spatial development strategy ”.
(3) In subsection (1) omit paragraph (a).

PROSPECTIVE

11 In section 28 (joint local development documents) omit subsection (4).

PROSPECTIVE

12 In section 37 (interpretation) omit subsections (6) and (6A).

13 (1) In section 38(3) (development plan for areas in England outside Greater London) in paragraph (a) after “situated” insert “ (if there is a regional strategy for that region) ”.
(2) Omit section 38(3)(a).

Commencement Information

II Sch. 8 para. 13(1) in force at Royal Assent see s. 240(5)(h)

PROSPECTIVE

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)—

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- (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).

(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”,
- (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
 - (ii) “(as the case may be)”.

PROSPECTIVE

15 In section 62(5) (preparation of local development plan) omit paragraph (c).

PROSPECTIVE

16 In section 78 (interpretation of Part 6) omit subsection (5).

PROSPECTIVE

17 (1) Section 113 (validity of strategies, plans and documents) is amended as follows.

(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).

(5) Omit subsection (12).

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

18 In section 70(5) (which provides for how a regional strategy is to be interpreted) for “the regional strategy” insert “ a regional strategy under this Part ”.

19 In section 82(2) (during the interim period, a regional strategy does not include the regional economic strategy) for the words after “For the purposes of that section,” substitute “ a regional strategy under this Part is to be regarded as consisting solely

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of the regional spatial strategy under section 1 of the Planning and Compulsory Purchase Act 2004 that subsisted for the region concerned immediately before 1 April 2010.”

PROSPECTIVE

Marine and Coastal Access Act 2009 (c. 23)

- 20 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”.

SCHEDULE 9

Section 116

NEIGHBOURHOOD PLANNING

PART 1

NEIGHBOURHOOD DEVELOPMENT ORDERS

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

Commencement Information

- I2** Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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.
- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the order—
 - (a) for development specified in the order, or
 - (b) for development of any class specified in the order.
- (3) Schedule 4B makes provision about the process for the making of neighbourhood development orders, including—
 - (a) provision for independent examination of orders proposed by qualifying bodies, and

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- (b) provision for the holding of referendums on orders proposed by those bodies.
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development order has been made—
 - (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
 - (b) if paragraph (a) applies, must make the order as soon as reasonably practicable after the referendum is held.
- (5) If—
 - (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
 - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the order,
 the authority may (but need not) make a neighbourhood development order to which the proposal relates.
- (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.
- (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).
- (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) 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,
 - (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,
 - (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),
 - (b) their reasons for making that decision, and

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- (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—
 - (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.

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.
- (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.
- (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) 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—
 - (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
 - (b) its membership is open to—
 - (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,
 - (c) its membership includes a minimum of 21 individuals each of whom—
 - (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,

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- (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.
- (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—
 - (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (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,
 - (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
 - (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
 - (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.
- (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
 - (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.

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- (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.
- (12) Regulations—
- (a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and
 - (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)).
- (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,
 - (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,
 - (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.

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
 - (b) the authority are determining the application (but see subsection (5)).
- (2) A “relevant body” means—
- (a) a parish council, or
 - (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

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- (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.
- (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.
- (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,

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; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the council's consent.
- (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.
- (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—
 - (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,
 - (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,
 - (f) requiring an application for a designation to be determined by a prescribed date,

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- (g) entitling or requiring a local planning authority in prescribed circumstances to decline to consider an application for a designation, and
- (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

- (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.
- (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.

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.
- (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.
- (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),
 - (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,
 - (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.

Status: Point in time view as at 16/11/2011.

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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,
 - (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.
- (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.
- (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”

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,
- (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),
- (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
- (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

- (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.
- (2) The conditions that may be specified include—

Status: Point in time view as at 16/11/2011.

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- (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.
- (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.
- (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,
 - (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),
 - (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.
- (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).
- (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
 - (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.
- (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.

Status: Point in time view as at 16/11/2011.

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- (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.
- (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.
- (6) A modification of a neighbourhood development order is to be done by replacing the order with a new one containing the modification.
- (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,
 - (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,
 - (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
 - (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

- (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.
- (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
 - (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.

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- (3) A court may entertain proceedings for questioning anything relating to a referendum under paragraph 14 or 15 of Schedule 4B only if—
- (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.

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).

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).
- (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).

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).”

Commencement Information

I3 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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 ”.

Commencement Information

I4 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 4 In Schedule 1 (local planning authorities: distribution of functions), after paragraph 6 insert—
- “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).

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(2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.”

Commencement Information

I5 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

PART 2

NEIGHBOURHOOD DEVELOPMENT PLANS

5 The Planning and Compulsory Purchase Act 2004 is amended as follows.

Commencement Information

I6 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

6 In section 38 (development plan)—

- (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
- (d) at the end insert—

“(10) Neighbourhood development plan must be construed in accordance with section 38A.”

Commencement Information

I7 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

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.
- (2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of 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—

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- (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,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—
 - (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.
- (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
 - (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) 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).
- (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,
 - (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,
 - (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—
 - (a) their decision to act under subsection (4) or (6),
 - (b) their reasons for making that decision, and

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- (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—
 - (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—
 - (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—
 - “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,
 - “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.

38B Provision that may be made by neighbourhood development plans

- (1) A neighbourhood development plan—
 - (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.
- (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,
 - (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.

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- (6) Section 61K of the principal Act (meaning of “excluded development”) is to apply for the purposes of subsection (1)(b).

38C Supplementary provisions

- (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),
 - (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),
 - (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.
- (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—
- (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,
 - (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.
- (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.
- (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.”

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Commencement Information

18 Sch. 9 in force at Royal Assent for specified purposes see s. 240(5)(j)

SCHEDULE 10

Section 116

PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS

Commencement Information

19 Sch. 10 in force at Royal Assent for specified purposes see s. 240(5)(j)

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

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.
- (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.
- (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—
 - (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—
 - (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
 - (c) all or any of the collection, sources, verification, processing and presentation of information accompanying the proposal.

Status: Point in time view as at 16/11/2011.

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- (6) The documents and information accompanying the proposal (including the draft neighbourhood development order) must comply with those standards.
- 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
 - (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.
- (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

- 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.
- (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.
- (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,
 - (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),
 - (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.
- (3) The power to make regulations under this paragraph must be exercised to secure that—
- (a) prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and
 - (b) a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority—
 - (i) details of those consulted,

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- (ii) a summary of the main issues raised, and
- (iii) any other information of a prescribed description.

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.
- (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—
- (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.
- (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.
- (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
 - (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.
- 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.
- (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,
 - (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
 - (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.
- (4) The authority must—

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- (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
- (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—
- (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—
- (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.
- (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,
- 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—
- (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.
- (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.
- 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,
 - (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

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- (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,
 - (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,
 - (d) the making of the order contributes to the achievement of sustainable development,
 - (e) 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),
 - (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
 - (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- (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.
- (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).
- 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—
- (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
 - (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,
 - (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.

Status: Point in time view as at 16/11/2011.

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- (5) It is for the examiner to decide how the hearing is to be conducted, including—
- (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.
- (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—
- (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).
- (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
 - (c) that the proposal for the order is refused.
- (3) The only modifications that may be recommended are—
- (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,
 - (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—
- (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.
- (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
 - (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
 - (b) contain a summary of its main findings.

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- (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.
- 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,
 - (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),
 - (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,
 - (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

- 12 (1) This paragraph applies if an examiner has made a report under paragraph 10.
- (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.
- (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
 - (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),
- 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.
- (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—

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- (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,
 - (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
 - (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.
- (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.
- (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—
- (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—
- (a) the qualifying body, and
 - (b) such other persons as may be prescribed.
- 13 (1) If—
- (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.
- (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)).
- (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.

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- (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)).
- (3) A “relevant council” means—
- (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—
- (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.
- (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—
- (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—
- (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).
- 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.
- (3) A person is entitled to vote in the additional referendum if on the prescribed date—
- (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)).
- (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—
- (a) dealing with any case where there are two or more relevant councils any of whose areas fall within the referendum area,

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- (b) for only one relevant council to be subject to the duty to make arrangements for the referendum in a case within paragraph (a),
 - (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),
 - (e) as to the publicity to be given in connection with the referendum,
 - (f) about the limitation of expenditure in connection with the referendum,
 - (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,
 - (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.
- (3) The regulations may apply or incorporate, with or without modifications, any provision made by or under any enactment relating to elections or referendums.
- (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.
- (6) In this paragraph “enactment” means an enactment, whenever passed or made.

Interpretation

- 17 In this Schedule—
- “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
 - (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 116

NEIGHBOURHOOD PLANNING: COMMUNITY RIGHT TO BUILD ORDERS

Commencement Information

I10 Sch. 11 in force at Royal Assent for specified purposes see s. 240(5)(j)

Status: Point in time view as at 16/11/2011.

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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

- 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.
- (3) In its application to community organisations, section 61G (meaning of “neighbourhood area”) has effect subject to the provision made by this Schedule.

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,
 - (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.
- (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
 - (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
 - (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—
 - (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),
 - (c) the membership of the body, and
 - (d) the control of the body (whether by the exercise of voting rights or otherwise).

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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—
- (a) the area mentioned in paragraph 3(1)(a) consists of or includes the neighbourhood area, and
 - (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.
- (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).
- (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—
- (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.
- (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 (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
 - (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.
- (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.

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—

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- (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
 - (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.
- (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.
- (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.
- (4) Regulations may make provision requiring the publication of any decisions made by a local planning authority under this paragraph.
- (5) In this paragraph—
- “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
 - (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.

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.
- 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.
- (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.
- (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.
- (5) The only modifications that the authority may make are—

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- (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,
 - (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
 - (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
 - (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.

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
 - (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”—
- (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
 - (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
 - (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

- 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).”

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SCHEDULE 12

Section 121

NEIGHBOURHOOD PLANNING: CONSEQUENTIAL AMENDMENTS

Town and Country Planning Act 1990

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

Commencement Information

I11 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

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) ”.

Commencement Information

I12 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

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 ”.

Commencement Information

I13 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

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 ”.

Commencement Information

I14 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

5 In section 62 (applications for planning permission), after subsection (2) insert—
 “(2A) In subsections (1) and (2) references to applications for planning permission include references to applications for approval under section 61L(2).”

Commencement Information

I15 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

6 In section 65 (notice etc of applications for planning permission), after subsection (3) insert—
 “(3A) In subsections (1) and (3) references to any application for planning permission or any applicant for such permission include references to any

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application for approval under section 61L(2) or any applicant for such approval.”

Commencement Information

I16 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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—
“(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
(c) proposals for such orders or plans.”

Commencement Information

I17 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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).”
- (3) After subsection (3) insert—
“(3A) Subsection (3) does not apply in relation to planning permission granted by a neighbourhood development order.”

Commencement Information

I18 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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

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- (b) in paragraph (f) references to applications for planning permission include references to applications for approvals under section 61L(2).”

Commencement Information

I19 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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”.

Commencement Information

I20 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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”.

Commencement Information

I21 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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”.

Commencement Information

I22 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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”.

Commencement Information

I23 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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.”

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Commencement Information

I24 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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.
- (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
 - (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”.
- (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—
- “(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
 - (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.”
- (6) In the title, for “or a local development order” substitute “, local development order or neighbourhood development order”.

Commencement Information

I25 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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”.

Commencement Information

I26 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- 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 ”.

Commencement Information

I27 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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.”

Commencement Information

I28 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 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 ”.

Commencement Information

I29 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 20 In section 264(5) (land treated not as operational land)—
 (a) in paragraph (b), omit “or a local development order”, and
 (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;”.

Commencement Information

I30 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 21 (1) Section 324 (rights of entry) is amended as follows.
 (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.”

Commencement Information

I31 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- 22 (1) Section 333 (regulations and orders) is amended as follows.
- (2) In subsection (3) (regulations to be subject to annulment) after “except regulations under section 88” insert “ or paragraph 15(5) or 16 of Schedule 4B ”.
- (3) After that subsection insert—
- “(3A) No regulations may be made under paragraph 15(5) or 16 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

I32 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 23 In paragraph 1A of Schedule 13 (blighted land: land allocated for public authority functions in development plans etc)—
- (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
- (c) after Note (5) insert—
- “(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.”

Commencement Information

I33 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

Planning (Listed Buildings and Conservation Areas) Act 1990

- 24 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

Commencement Information

I34 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

- 25 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.”

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Commencement Information

I35 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

26 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.”

Commencement Information

I36 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

Planning and Compulsory Purchase Act 2004

27 The Planning and Compulsory Purchase Act 2004 is amended as follows.

Commencement Information

I37 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

28 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 of that Act).”

Commencement Information

I38 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

29 In section 40(2) (local development orders), omit paragraphs (b) to (k).

Commencement Information

I39 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

30 In section 116(2)(b) (Isles of Scilly), after “Part 2” insert “ or 3 ”.

Commencement Information

I40 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

Housing and Regeneration Act 2008

31 In section 13(5) of the Housing and Regeneration Act 2008 (power of Secretary of State to make designation orders)—

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (a) in paragraph (a) of the definition of “local planning authority”, after “Part 2” insert “ or 3 ”, and
- (b) in paragraph (c) of the definition of “permitted purposes”, after “Part 2” insert “ or 3 ”.

Commencement Information

I41 Sch. 12 in force at Royal Assent for specified purposes see s. 240(5)(j)

VALID FROM 15/01/2012

SCHEDULE 13

Section 128

INFRASTRUCTURE PLANNING COMMISSION:
 TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

VALID FROM 04/04/2012

SCHEDULE 14

Section 159

GROUND ON WHICH LANDLORD MAY REFUSE TO
 SURRENDER AND GRANT TENANCIES UNDER SECTION 158

Commencement Information

I42 Sch. 14 in force at 4.4.2012 by S.I. 2012/1008, art. 2(c) (with arts. 7, 8)

VALID FROM 01/10/2013

SCHEDULE 15

Section 167

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.
- 2 (1) Section 79 (Housing Revenue Account subsidy) is amended as follows.
 - (2) In subsection (1) after “local housing authorities” insert “ in Wales ”.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (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.
- (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)—
- (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 ”.
- (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
 - (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 ”,
 - (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
 - (c) in paragraph (b)—
 - (i) for “them” substitute “ the authorities ”,
 - (ii) for the “appropriate person considers” substitute “ Welsh Ministers consider ”,
 - (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)—
- (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.
- (2) In the heading for “appropriate person” substitute “ Welsh Ministers ”.

Status: Point in time view as at 16/11/2011.

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- (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.
- (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.
- (2) In subsection (1) for “appropriate person” substitute “ Welsh Ministers ”.
- (3) In subsection (3)—

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- (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 ”.
- 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 ”,
- (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)—
- (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 ”,
- (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)—
- (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.
- (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.
- (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 ”.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

VALID FROM 15/01/2012

SCHEDULE 16

Section 178

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

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VALID FROM 01/04/2012

SCHEDULE 17

Section 179

REGULATION OF SOCIAL HOUSING

.....

VALID FROM 15/01/2012

SCHEDULE 18

Section 183

HOME INFORMATION PACKS: CONSEQUENTIAL AMENDMENTS

.....

VALID FROM 15/01/2012

SCHEDULE 19

Section 195

HOUSING AND REGENERATION: CONSEQUENTIAL AMENDMENTS

.....

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

VALID FROM 31/03/2012

SCHEDULE 20

Section 195

ABOLITION OF LONDON DEVELOPMENT AGENCY: CONSEQUENTIAL AMENDMENTS

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VALID FROM 15/01/2012

SCHEDULE 21

Section 198

MAYORAL DEVELOPMENT CORPORATIONS

.....

VALID FROM 15/01/2012

SCHEDULE 22

Section 222

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;”.

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

- 2 In section 1(4) of the Local Authorities (Goods and Services Act) 1970 (supply of goods and services by local authorities: interpretation) in the definition of “local authority” after “(joint waste authorities)” insert “ , a Mayoral development corporation ”.

Local Government Act 1972 (c. 70)

- 3 (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.”

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

(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)”.

(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

(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)

4 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)

5 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)

6 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)

7 (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 207(2) of the Localism Act 2011 (acquisition by Mayoral development corporation);”.

Status: Point in time view as at 16/11/2011.

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- (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)

- 8 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)

- 9 The Housing Act 1985 is amended as follows.

- 10 In section 45(2) in the definition of “public sector authority” after the entry for an urban development corporation insert— “ a Mayoral development corporation, ”.

- 11 In section 80(1) (secure tenancies: the landlord condition) before the entry for an urban development corporation insert— “ a Mayoral development corporation, ”.

- 12 In section 114(1) (meaning of “landlord authority”) before the entry for a housing action trust insert— “ a Mayoral development corporation, ”.

- 13 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, ”.

- 14 In section 458(1) (Part 14: minor definitions) in the definition of “housing authority” after “an urban development corporation,” insert “ a Mayoral development corporation, ”.

- 15 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, ”.

- 16 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, ”.

- 17 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, ”.

- 18 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, ”.

- 19 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, ”.

Status: Point in time view as at 16/11/2011.

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20 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, ”.

Landlord and Tenant Act 1985 (c. 70)

21 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, ”.

Landlord and Tenant Act 1987 (c. 31)

22 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)

23 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)

24 In the Local Government Finance Act 1988 after section 48 insert—

“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 214 of the Localism Act 2011 (Mayor's power to decide that a Mayoral development corporation should have functions under section 47 above).
- (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.
- (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.
- (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.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (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.”

Housing Act 1988 (c. 50)

25 The Housing Act 1988 is amended as follows.

26 In section 35(4) (tenancies which can be secure tenancies) after paragraph (a) insert—

“(aa) the interest of the landlord belongs to a Mayoral development corporation; or”.

27 In section 38(5) (when landlord's interest is held by a public body) after paragraph (a) insert—

“(aa) it belongs to a Mayoral development corporation; or”.

28 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, ”.

29 In paragraph 12(1) of Schedule 1 (tenancy cannot be assured tenancy if landlord is listed body) after paragraph (d) insert—

“(da) a Mayoral development corporation;”.

Town and Country Planning Act 1990 (c. 8)

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

31 In section 2A (power for Mayor to call in planning applications) after subsection (1) insert—

“(1A) Subsection (1) does not apply if the local planning authority is a Mayoral development corporation.”

32 After section 7 insert—

“7A Mayoral development areas

- (1) Subsection (2) applies where an order under section 198(2) of the Localism Act 2011 gives effect to any decision under section 202(2) or (6) 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.
- (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 198(2) of that Act gives effect to any decision under section 202(3) or (6) of that Act as a result of which a Mayoral development corporation is for any area to have the functions referred to in section 202(3) of that Act.

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	<p>(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.</p> <p>(5) If an order under section 198(2) of that Act is amended to give effect to a decision under section 204(2) of that Act that limits the effect of a decision under section 202 of that Act, subsection (2) or (4), or each of them, applies accordingly.”</p>
33	<p>After section 165 (Secretary of State may acquire land blighted by proposed new town or urban development area) insert—</p> <p>“165ZA Power of Greater London Authority to acquire land affected by designation of Mayoral development area where blight notice served</p> <p>(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.</p> <p>(2) Where the Greater London Authority acquires an interest under subsection (1), then—</p> <p>(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</p> <p>(b) in any other case, the interest may be disposed of by the Authority in such manner as the Authority thinks fit.</p> <p>(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—</p> <p>(a) the acquisition were by a Mayoral development corporation under Chapter 2 of Part 8 of the Localism Act 2011; and</p> <p>(b) the land formed part of an area for which a Mayoral development corporation has been established.”</p>
34	<p>In section 169 (meaning of “appropriate authority”) after subsection (4) insert—</p> <p>“(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.”</p>
35	<p>In section 170(5) (meaning of “appropriate enactment” in the case of a development corporation or urban development corporation)—</p> <p>(a) for “or 9” insert “, 9 or 9A”, and</p> <p>(b) after “is established for the urban development area” insert “ or a Mayoral development corporation is established for the Mayoral development area”.</p>

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- 36 (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—
- “(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
- (b) a reference to a Mayoral development corporation which is the local planning authority by virtue of an order under section 198(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.”
- (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, ”.
- 37 In Schedule 13 (blighted land) after paragraph 9 insert—
- “9A Land which is within an area designated under section 197 of the Localism Act 2011 as a Mayoral development area where—
- (a) an order under section 198(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
- (b) such an order has come into effect.”
- Planning (Hazardous Substances) Act 1990 (c. 10)*
- 38 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 ”.
- Water Industry Act 1991 (c. 56)*
- 39 The Water Industry Act 1991 is amended as follows.
- 40 In section 41(2) (persons who may require provision of a water main) after paragraph (c) insert—
- “(ca) where the whole or any part of that locality is situated within a Mayoral development area, the Mayoral development corporation;”.
- 41 In section 97(5) (performance of sewerage undertaker's functions by relevant authorities: interpretation)—
- (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;”
- (b) in the definition of “relevant authority” after paragraph (a) insert—

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	“(aa) the Mayoral development corporation for any Mayoral development area;”.
42	In section 98(2) (persons who may require provision of a public sewer) after paragraph (c) insert— “(ca) where the whole or any part of that locality is situated within a Mayoral development area, the Mayoral development corporation;”.
	<i>Channel Tunnel Rail Link Act 1996 (c. 61)</i>
43	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”.
	<i>Greater London Authority Act 1999 (c. 29)</i>
44	The Greater London Authority Act 1999 is amended as follows.
45	(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— (a) Transport for London; (b) the Mayor's Office for Policing and Crime; or (c) the London Fire and Emergency Planning Authority.” (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.”
46	(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;”. (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.”
47	In section 60A(3) (offices where confirmation process applies) after the entry for the chairman of the London Fire and Emergency Planning Authority insert—

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- “ person appointed to chair a Mayoral development corporation (see paragraph 1 of Schedule 21 to the Localism Act 2011); ”.
- 48 (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—
- “(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)—
- (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—
- “(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.”
- 49 (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—
- “(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—
- “(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—
- “(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;”.
- 50 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) ”.

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51 (1) Section 408 (transfers of property, rights and liabilities) is amended as follows.

^{F1}(2)

(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.”

Textual Amendments

F1 Sch. 22 para. 51(2) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 16\(b\)](#)

52 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)

53 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 198 of the Localism Act 2011.”

Planning and Compulsory Purchase Act 2004 (c. 5)

54 The Planning and Compulsory Purchase Act 2004 is amended as follows.

55 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 ”.

56 (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 198(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.

Status: Point in time view as at 16/11/2011.

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(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.”

- (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, ”.

National Health Service Act 2006 (c. 41)

57 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,”.

Crossrail Act 2008 (c. 18)

58 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 ”.

Planning Act 2008 (c. 29)

59 The Planning Act 2008 is amended as follows.

F260

Textual Amendments

F2 Sch. 22 para. 60 repealed (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(4\)\(c\), 35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))

61 (1) Amend section 206 (provision about charging community infrastructure levy) is amended as follows.

- (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, ”.

(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.”

Status: Point in time view as at 16/11/2011.

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Equality Act 2010 (c. 15)

- 62 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. ”

VALID FROM 03/05/2012

SCHEDULE 23

Section 225

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.
- 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
- (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 ”.
- (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 ”,
- (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 ”.
- (4) In subsection (4), in the opening words, for “London Biodiversity Action Plan” substitute “ the provisions of the London Environment Strategy dealing with biodiversity ”.
- (5) Omit subsections (1), (3), (4)(b) (with the preceding “and”), (5) and (6).

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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 ”.
- (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).
- 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 ”.
- (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 ”.
- 6 In—
- (a) section 355(1), (3) and (7)(c) (duties of waste collection authorities etc),
- (b) section 356(1) (directions by the Mayor),
- (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 ”.
- 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.
- (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 ”.
- (4) In subsection (3), for “strategy” substitute “ provisions dealing with climate change mitigation and energy ”.

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	(5) In subsection (4), for “strategy” substitute “ provisions dealing with climate change mitigation and energy ”.
	(6) In subsection (6)—
	(a) for “strategy” substitute “ provisions dealing with climate change mitigation and energy ”, and
	(b) in paragraphs (d) and (e), for “the strategy” substitute “ those provisions ”.
	(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).
	<i>Adaptation to climate change</i>
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 ”.
	(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).
	<i>Air quality</i>
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 ”.
	(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)—
	(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 ”.
15	In section 365 (directions by the Mayor), for “London air quality strategy” substitute “ provisions of the London Environment Strategy dealing with air quality ”.

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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 ”.
- (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 233

TRANSFERS AND TRANSFER SCHEMES: TAX PROVISIONS

PART 1

TRANSFER UNDER PARAGRAPH 63 OF SCHEDULE 16

- 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 63 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.
- (4) In this paragraph—
“enactment” includes an enactment contained in an instrument made under an Act,
“the HCA” means the Homes and Communities Agency, and
“the Office” means the Office for Tenants and Social Landlords.

Commencement Information

I57 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

PART 2

CERTAIN TRANSFERS UNDER SCHEME UNDER SECTION 190 OR 191

Interpretation of Part 2 of Schedule

- 2 In this Part of this Schedule—

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“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
- (b) a person prescribed for the purposes of this Part of this Schedule by order made by the Treasury,

“relevant transfer” means—

- (a) a transfer, in accordance with a transfer scheme under section 190, 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 191, to a taxable public body,

“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 190 or 191, means the person to whom the transfer is made, and

“transferor”—

- (a) means the Homes and Communities Agency in relation to a transfer, in accordance with a transfer scheme under section 190, 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 191.

Commencement Information

I58 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

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 190 or 191—
- (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—
- (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
 - (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.
- (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

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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.
- (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.

Commencement Information

I59 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

Transfers of trading stock

- 4 (1) This paragraph applies if—
- (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—
- (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”).
- (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.
- (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.
- (5) In this paragraph “trading stock” has the meaning given by section 163 of CTA 2009.

Commencement Information

I60 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

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.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (2) For the purposes of the application of Part 5 of CTA 2009 in relation to a transfer that—
- (a) is to a public body,
 - (b) is in accordance with a transfer scheme under section 190 or 191, 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,
- 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.
- (4) In this paragraph—
- “the HCA” means the Homes and Communities Agency, and
 - “the LDA” means the London Development Agency.

Commencement Information

I61 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

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

- 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—
- (a) it is a transfer in accordance with a transfer scheme under section 190 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 191 and the transferee is a public body.
- (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.”

Commencement Information

I62 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

Stamp duty

- 7 Stamp duty is not chargeable on a transfer scheme under section 191 if the transferee is a public body.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Commencement Information

I63 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

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 190 or 191, and
 - (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.
- (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.
- (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).
- (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.

Commencement Information

I64 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

PART 3

TRANSFERS UNDER SCHEME UNDER SECTION 17, 200(1) OR (4) OR 216(1)

- 9 (1) In this paragraph “transfer scheme” means a transfer scheme under section 17, 200(1) or (4) or 216(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
 - (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.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (3) The provision that may be made under sub-paragraph (2)(a) includes, in particular, provision for—
- (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) an appropriate authority to be required or permitted 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.
- (4) The provision that may be made under sub-paragraph (2)(b) includes, in particular, provision for—
- (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;
 - (c) an appropriate authority to be required or permitted 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.
- (5) In this paragraph—
- “appropriate authority” means—
 - (a) the Treasury,
 - (b) any other Minister of the Crown with the consent of the Treasury, or
 - (c) the Mayor of London with the consent of the Treasury,
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975,
 - “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.

Commencement Information

I65 Sch. 24 in force for specified purposes at Royal Assent see s. 240(5)(o)

*Status: Point in time view as at 16/11/2011.**Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)*

SCHEDULE 25

Section 237

REPEALS AND REVOCATIONS

VALID FROM 04/04/2012

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).
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 78(2). Section 115(2).
Local Government (Wales) Measure 2009 (nawm 2)	In Schedule 2, paragraph 2(a).

VALID FROM 18/02/2012

PART 2

FIRE AND RESCUE AUTHORITIES

<i>Reference</i>	<i>Extent of repeal</i>
Fire and Rescue Services Act 2004 (c. 21)	Section 5. Section 19. Section 62(3).

VALID FROM 18/02/2012

PART 3

OTHER AUTHORITIES

<i>Reference</i>	<i>Extent of repeal</i>
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Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Transport Act 1968 (c. 73)	In section 10(1)(xxviii), the words “so far as not required for the purposes of their business”.
Local Government Act 2003 (c. 26)	In section 93(7)(b), the “and” at the end.

VALID FROM 15/01/2012

PART 4

LOCAL AUTHORITY GOVERNANCE

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972 (c. 70)	In section 2(2A) the words “or a mayor and council manager executive”. In section 245(1A) and (4A)(a) the words “or a mayor and council manager executive”.
Local Government Act 2000 (c. 22)	In section 11— (a) subsections (2A) and (9A), (b) in subsection (9) the words “in relation to Wales”, and (c) in subsection (10) the words “(2A)(a) or”. In section 13(9)(b) the words from “or section 236” to “England”). Section 14(7). In section 18— (a) subsections (4) and (5), and (b) in subsection (6) the words “in Wales”. In section 19(1) the words “(within the meaning of this Part)” in the first place they appear. In section 21— (a) in subsection (2)(f) the words “section 244 of the National Health Service Act 2006 or”, (b) in subsection (2ZA) the words “in Wales”, (c) subsection (2A)(a) and (b), (d) in subsection (4) the words from “or any functions” to the end, (e) in subsection (10) the words “, unless permitted to do so under paragraph 12 of that Schedule”, (f) in subsection (10A) the words “in Wales”, (g) in subsection (13)(aa) the words from “by virtue of” to “England) or”, (h) in subsection (13)(c) the words from the beginning to “in Wales”,

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Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (i) in subsection (16), paragraph (a) and the word “and” immediately following that paragraph, and
- (j) in subsection (16)(b) the words “in Wales”.

Section 21ZA.

In section 21A—

- (a) in subsection (3) the words from “(in the case of a local authority in England” to “Wales)”,
- (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”.

Section 21C.

In section 21D—

- (a) in subsection (1)(b), sub-paragraph (ii) and the word “or” immediately preceding that sub-paragraph,
- (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
- (d) in that subsection the definition of “relevant partner authority” and the word “and” immediately preceding that definition.

Section 21E.

In section 21F (as inserted by the Local Government (Wales) Measure 2011 (nawm 4)), in subsection (1) the words “in Wales”.

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,”.

Section 22A.

Section 31.

Section 32.

In section 33ZA the words “in Wales,”.

Section 33A.

Section 33B.

Section 33C.

Section 33D.

Section 33E.

Section 33F.

Status: Point in time view as at 16/11/2011.

Changes to legislation: *Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)*

Section 33G.

Section 33H.

Section 33I.

Section 33J (and the italic heading immediately preceding it).

Section 33K.

Section 33L.

Section 33M.

Section 33N.

Section 33O (and the italic heading immediately preceding it).

In section 34(3) the words “or of any of sections 33A to 33O”.

In section 35(3) the words “or of any of sections 33A to 33O”.

In section 36(3) the words “or of any of sections 33A to 33O”.

In section 39—

- (a) subsection (2),
- (b) in subsection (3) the words “in Wales”, and
- (c) subsection (6).

Section 44A (and the italic heading immediately preceding it).

Section 44B.

Section 44C.

Section 44D.

Section 44E.

Section 44F.

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
- (b) subsection (6)(b).

In section 48—

- (a) in subsection (1) the definition of “ordinary day of election”,
- (b) subsection (1A),

Status: Point in time view as at 16/11/2011.

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	(c) in subsection (2), paragraph (b) and the word “and” immediately preceding that paragraph, and
	(d) in subsection (3), paragraph (b) and the word “and” immediately preceding that paragraph.
	Section 106(1)(a).
	In Schedule 1—
	(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
	(b) in sub-paragraphs (2), (3) and (7) the word “Welsh”, and
	(c) in paragraph 10 the word “7,”.
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).
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 33(4), (6) and (7).
	Section 34(5) and (6).
	Section 38(4), (6) and (7).
	Section 40(4), (6) and (7).
	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—
	(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).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

	Section 236(9).
	In Schedule 3, paragraph 28.
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).
Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158)	In paragraph 47(2) of Schedule 2, the word “7(1),”.
Local Government (Wales) Measure 2011 (nawm 4)	Section 36(1)(b) and (c).

VALID FROM 31/01/2012

PART 5

STANDARDS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Standards Board for England.
Local Government Act 1972 (c. 70)	In section 85(3A), the words “66A,” and “, 78A”. In section 86(1)(b), the words “66A, 78A or”. In section 87(1)(ee), the words “66A, 78A or”.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2, the entry for the Standards Board for England.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1, in Part 2, the entry for the Standards Board for England.
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) subsection (5), (f) in subsection (6), the words “which is a relevant authority” and, in paragraph (a), the word “its”, (g) in subsection (7), the word “its”, and

Status: Point in time view as at 16/11/2011.

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	(h) subsections (8) to (10).
Audit Commission Act 1998 (c. 18)	In section 49(1)(de), the words “an ethical standards officer or”.
Data Protection Act 1998 (c. 29)	In section 31— (a) in subsection (7), paragraph (b) (but not the word “or” at the end of that paragraph), and (b) in subsection (8)(b), the words “, or to an ethical standards officer,”.
Greater London Authority Act 1999 (c. 29)	In section 6(5), the words “66A,” and “, 78A”. In section 13(2), the words “66A,” and “, 78A”.
Local Government Act 2000 (c. 22)	In section 49— (a) subsection (1), (b) in subsection (2) the words “in Wales (other than police authorities)”, (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)). In section 50— (a) subsection (1), (b) in subsection (2) the words “in Wales other than police authorities”, (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 (g) subsections (6) and (7). In section 51— (a) in subsection (4C) the words from “by a” to “police authority”, and (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”, (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 (d) in subsection (12) the words “(6)(c) to (f) or”. In section 54— (a) subsection (4),

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- (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)”.

In section 54A—

- (a) in subsection (3) the words “but this is subject to section 55(7)(b)”;
- (b) subsection (4),
- (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.

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—

- (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”.

In section 72(6), the words “in Wales”.

Section 73(6).

In section 77(7), the words from “, or with” to “First-tier Tribunal.”.

In section 78—

- (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”;
- (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.”;
- (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).

Sections 78A and 78B.

In section 79(13), the words “in Wales”.

In section 80—

Status: Point in time view as at 16/11/2011.

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	<ul style="list-style-type: none"> (a) in the heading, the words “First-tier Tribunal or”, (b) in subsection (1), the words “the First-tier Tribunal or”, and (c) subsection (6).
	In section 81—
	<ul style="list-style-type: none"> (a) in subsection (7), paragraph (b) and, in paragraph (c), the words “if it is a relevant authority in Wales,”, and (b) subsection (8).
	In section 82—
	<ul style="list-style-type: none"> (a) subsection (1), (b) in subsection (2), the words “in Wales (other than police authorities)”, (c) in subsection (3), the words “(1) or”, (d) subsections (4) and (5), (e) in subsection (6)(a), the words “in Wales”, and (f) in subsection (9), paragraph (a), the word “and” immediately preceding paragraph (b) and, in that paragraph, the words “in relation to Wales,”.
	In section 82A(4), the words “57A, 60(2) or (3), 64(2) or (4),”.
	In section 83—
	<ul style="list-style-type: none"> (a) in subsection (1), the definitions of “the Audit Commission”, “ethical standards officer” and “police authority” and, in the definition of “model code of conduct”, the words “(1) and”, and (b) subsections (4), (12), (15) and (16).
	In section 105(6), the words “, 49, 63(1)(j)”.
	Schedule 4.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entry for the Standards Board for England.
Local Government Act 2003 (c. 26)	Section 112.
Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S.I. 2003/1326)	Article 20.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2—
	<ul style="list-style-type: none"> (a) paragraph 53(2), (b) paragraph 54, and (c) paragraph 55(2).
Public Services Ombudsman (Wales) Act 2005 (c. 10)	In Schedule 4—
	<ul style="list-style-type: none"> (a) paragraph 2(a), (b) paragraphs 5 to 8, (c) paragraph 21, (d) paragraph 22(a), and

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	(e) in paragraph 23, the words “(5)(b) and”.
Local Government and Public Involvement in Health Act 2007 (c. 28)	<p>In section 183—</p> <p>(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,</p> <p>(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,</p> <p>(c) in subsection (3), the subsections (4A) and (4B) to be inserted into section 51 of the Local Government Act 2000, and</p> <p>(d) in subsection (7)(b), the words “in Wales other than a police authority”.</p> <p>Sections 185 to 187.</p> <p>In section 188—</p> <p>(a) in subsection (1), paragraphs (b) and (c), and (b) subsection (2).</p> <p>Sections 189 to 193.</p> <p>In section 194, subsections (1) to (7).</p> <p>Sections 195 and 196.</p> <p>Section 198.</p> <p>Section 201(4)(b) and (c).</p> <p>In Schedule 12, paragraph 17.</p>
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	In Schedule 6, paragraph 93.
Transfer of Tribunal Functions Order 2010 (S.I. 2010/22)	<p>In Schedule 2—</p> <p>(a) paragraphs 51 to 55,</p> <p>(b) paragraph 59(b),</p> <p>(c) paragraph 60(a) and (c) to (f),</p> <p>(d) paragraphs 61 and 62,</p> <p>(e) paragraph 63(a) and (c), and</p> <p>(f) paragraph 65.</p>
Localism Act 2011 (c. 20)	In section 27(6), paragraphs (f) and (k).

Status: Point in time view as at 16/11/2011.

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VALID FROM 15/01/2012

PART 6

DUTY TO PROMOTE DEMOCRACY

Reference

Local Democracy, Economic
Development and Construction Act
2009 (c. 20)

Extent of repeal

Chapter 1 of Part 1.
Section 148(1)(a).

VALID FROM 01/04/2012

PART 7

PETITIONS

Reference

Local Democracy, Economic
Development and Construction Act
2009 (c. 20)

Extent of repeal

Chapter 2 of Part 1.
Section 148(1)(a).

VALID FROM 15/01/2012

PART 8

WASTE REDUCTION SCHEMES

Reference

Climate Change Act 2008 (c. 27)

Extent of repeal

Sections 71 to 75.

In section 98, the entry for “the waste reduction provisions”.

Schedule 5.

Status: Point in time view as at 16/11/2011.

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VALID FROM 15/01/2012

PART 9

BUSINESS RATE SUPPLEMENTS

<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).

VALID FROM 01/04/2012

PART 10

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.
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.
Local Government Act 2003 (c. 26)	Section 61(6) and (7). Section 63(3). Section 64(3).
Corporation Tax Act 2010 (c. 4)	In Schedule 1, paragraph 208.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

VALID FROM 15/01/2012

PART 11

SMALL BUSINESS RATE RELIEF

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Finance Act 1988 (c. 41)	In section 43— (a) subsection (4B)(a)(i) and (iii), and (b) subsection (4C).

VALID FROM 15/01/2012

PART 12

COUNCIL TAX REFERENDUMS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Finance Act 1992 (c. 14)	Section 52F(6). In section 52J— (a) in subsection (1), paragraph (a) and the word “or” at the end of that paragraph and, in paragraph (b), the words “(in any other case)”, (b) subsection (3), (c) subsection (6), and (d) subsections (8) to (10). In section 52K— (a) in subsection (1), paragraph (a) and the word “or” at the end of that paragraph and, in paragraph (b), the words “(in any other case)”, and (b) in subsection (4)(b) the words “52I or”. Section 52Q(5). In section 52U— (a) in subsection (2), paragraph (a) and the word “or” at the end of that paragraph and, in paragraph (b), the words “(in any other case)”, (b) subsection (3), (c) in subsection (4), the words “is not the Greater London Authority and it”, (d) in subsection (5), the words “(3) or”, (e) subsection (6), (f) subsection (9), and

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

	(g) subsections (11) to (13). In section 52V(5)(b), the words “52T or”. In section 52W— (a) in subsection (1), the words “other than the Greater London Authority”, and (b) subsection (2). Section 52Z. In section 113(3)(a), the words “52F(4), 52H(2), 52Q(2), 52S(2), 52X(6),”.
Local Government Act 1999 (c. 27)	In Schedule 1, paragraph 9(b).
Greater London Authority Act 1999 (c. 29)	Section 136(2). Schedule 9.
Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388)	In Schedule 1, paragraphs 41 to 44.

VALID FROM 15/01/2012

PART 13

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), 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), and paragraph (e) and the word “and” immediately preceding it, (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), (c) in subsection (3A), the words “In the case of any billing authority in Wales,”, (d) in subsection (7)(a), in sub-paragraph (i), the words “general fund or (as the case may be)”, and sub-paragraph (ii) and the word “and” at the end of that sub-paragraph, (e) subsections (8) to (8B),

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

- (f) in subsection (12), the definition of “police grant” and the word “and” at the end of that definition, and
- (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”,
- (b) subsections (3) and (3A),
- (c) in subsection (3B), the words “In the case of a Welsh county council or county borough council,”, and
- (d) in subsection (4), the words “or subsection (3) above”.

In section 43—

- (a) in subsection (2)(a), the words from “, other than” to “1988 Act”,
- (b) in subsection (3)(a), sub-paragraph (iii) and the word “or” immediately preceding that sub-paragraph (but not the word “and” at the end of that sub-paragraph), and
- (c) subsection (5).

In section 44—

- (a) subsection (3), and
- (b) in subsection (4), the words “or subsection (3) above”.

In section 49—

- (a) in subsection (3A), the words “P1 or” and the words “item P2 or”, and
- (b) subsections (4A) to (4C).

Section 69(2A).

Local Government (Wales) Act 1994 (c. 19) In Schedule 12—
(a) paragraph 4(5), and
(b) paragraph 5(3).

The Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246) Regulation 3(1).
Regulation 4(2).

The Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234) Regulation 4(2).

Greater London Authority Act 1999 (c. 29) Section 85(9).
Section 86(6).
Section 88(3) to (5).
Section 89(5) and (6).
Section 94(5).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

	In section 95— (a) in subsection (8), the words “P1 or” and the words “item P2 or”, and (b) subsections (9) to (11). In section 99, the definitions of “police grant” and “relevant special grant”. Section 102(2)(c).
The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 1999 (S.I. 1999/296)	Regulation 3.
The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2000 (S.I. 2000/717 (W.24))	Regulation 3.
Local Government Act 2003 (c. 26)	In Schedule 7, paragraphs 51(3) and 70.
The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2005 (S.I. 2005/190)	In regulation 2— (a) paragraph (a), (b) paragraph (b)(i), and (c) paragraph (d).

VALID FROM 15/01/2012

PART 14

COUNCIL TAX REVALUATIONS IN WALES

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

PART 15

REGIONAL STRATEGIES (COMMENCEMENT ON PASSING)

<i>Reference</i>	<i>Extent of repeal</i>
Town and Country Planning Act 1990 (c. 8)	In Schedule 1— (a) paragraph 7(2)(a), (3), (5)(a), (9) and (11), and (b) in paragraph 7(10), paragraph (b) and the “or” immediately preceding it.
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Sections 70(1) to (4) and (6) to (8) and 71 to 81. Section 82(3).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Section 84.

Section 85(2) to (6).

Sections 86 and 87.

In section 147(1)(b), the words “85(2) to (6),”.

PROSPECTIVE

PART 16

REGIONAL STRATEGIES (COMMENCEMENT BY ORDER)

<i>Reference</i>	<i>Extent of repeal</i>
Town and Country Planning Act 1990	Section 83(5).
Regional Development Agencies Act 1998 (c. 45)	Section 7.
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”. 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.
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). In section 38(3)— (a) paragraph (a), and (b) the word “and” immediately preceding paragraph (b). 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”, (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),

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

	(c) subsection (4), and (d) in the text to be inserted by subsection (9), in sub-paragraph (1A), paragraph (a) and the word “or” 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)”.
	Section 62(5)(c).
	Section 78(5).
	In section 113—
	(a) subsection (1)(a), (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).
Greater London Authority Act 2007 (c. 24)	Section 30(2).
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Sections 70(5), 82(1) and (2) and 83. In Schedule 5, paragraphs 2 to 4, 9 to 11, 14, 15(2), 16, 17 and 19.
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”.
Localism Act 2011 (c. 20)	In Schedule 8, paragraphs 13(1), 18 and 19.

VALID FROM 15/01/2012

PART 17

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).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Greater London Authority Act 2007 Section 30(2) and (3).

VALID FROM 06/04/2012

PART 18

NEIGHBOURHOOD PLANNING

<i>Reference</i>	<i>Extent of repeal</i>
Town and Country Planning Act 1990 (c. 8)	Section 69(1)(b). In section 264(5)(b), the words “or a local development order”.
Planning and Compulsory Purchase Act 2004	In section 38(2), the word “and” at the end of paragraph (a). Section 40(2)(b) to (k).

VALID FROM 06/04/2012

PART 19

UNAUTHORISED ADVERTISEMENTS AND DEFACEMENT OF PREMISES

<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.
London Local Authorities Act 2004 (c. i)	Sections 12 to 14.
London Local Authorities Act 2007 (c. ii)	Section 7. Section 18.
Companies Act 2006 (Consequential Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941)	In Schedule 1, paragraph 157.

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Postal Services Act 2011 (c. 5) In Schedule 12, paragraph 171.

VALID FROM 01/04/2012

PART 20

ABOLITION OF INFRASTRUCTURE PLANNING COMMISSION

<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.
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)— (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”. In section 106C, the words “or the Infrastructure Planning Commission” (in both places).
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entry for the Infrastructure Planning Commission.
Planning Act 2008 (c. 29)	Sections 1 to 3. 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”. Section 53(2)(b) and (c). Section 63. Section 65(3) to (5). Section 66(1). Section 67. Section 68(5). Section 69(4).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Section 70.

Section 74(1) and (4).

Section 80(1).

Section 81.

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”.

Section 103(2).

Section 107(2) and (4).

Sections 109 to 113.

Section 115(6).

Section 116(4).

Section 117(2), (5) and (7).

In section 118(7), the words “or the Commission”.

Section 121.

Section 124.

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.

Section 136(6).

Section 147(3).

In section 235(1), the definitions of “the Commission”, “Commissioner”, “the Council” and “decision-maker”.

Schedule 1.

Schedule 3.

In Schedule 4—

- (a) paragraph 1(9), and
- (b) in paragraph 4, the definition of “the appropriate authority”.

In Schedule 6—

- (a) paragraphs 1(4), 2(10), 3(6) and 4(8), and
- (b) “, (6)” in paragraph 6(1)(b).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

In Schedule 12, the “and” at the end of paragraph 6(b).

VALID FROM 01/04/2012

PART 21

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

<i>Reference</i>	<i>Extent of repeal</i>
Planning Act 2008 (c. 29)	In section 35— (a) subsection (1)(a), and (b) in subsection (1)(b) the word “the”. Section 55(3)(b) and (d). In section 88(3) the word “and” at the end of paragraph (a). Section 102(3) and (5) to (7). In section 134— (a) in subsection (3)(a) the words “and a copy of the order”, and (b) subsection (8). In Schedule 12, the word “and” at the end of paragraph 4(a).

PROSPECTIVE

PART 22

HOMELESSNESS

<i>Reference</i>	<i>Extent of repeal</i>
Housing Act 1996 (c. 52)	In section 193— (a) subsection (3A), (b) in subsection (7AA), the words “In a restricted case”, (c) subsections (7B) to (7E), and (d) in subsection (7F), paragraph (b) and the word “or” immediately preceding that paragraph. Section 195(3A).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Homelessness Act 2002 (c. 7)	Section 7(5). In section 8(1), the words “(5) and”.
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VALID FROM 03/08/2012

PART 23

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”.
Housing and Regeneration Act 2008 (c. 17)	In section 180(2)(a), the words “an assured shorthold tenancy or”.

PROSPECTIVE

PART 24

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).
Local Government Act 2003 (c. 26)	Section 89(4).

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

VALID FROM 15/01/2012

PART 25

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).

VALID FROM 01/04/2012

PART 26

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.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Office for Tenants and Social Landlords.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2, the entry for the Office for Tenants and Social Landlords.
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)	<p>In section 31—</p> <ul style="list-style-type: none">(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(c) in subsection (12), the definition of “low cost home ownership accommodation”. <p>Section 32(11).</p> <p>In section 34(2)—</p> <ul style="list-style-type: none">(a) paragraph (a), and the word “and” at the end of it, and(b) in paragraph (b), the word “other”. <p>Section 37.</p> <p>Section 78.</p>

Status: Point in time view as at 16/11/2011.

Changes to legislation: *Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)*

Sections 81 to 92.

Section 99.

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
- (b) subsection (8).

In section 147(4), paragraph (c) and the word “and” at the end of paragraph (b).

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).

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.

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
- (c) in subsection (8), paragraph (a) and the word “and” at the end of that paragraph.

In section 250—

- (a) subsection (4)(a),
- (b) subsection (7)(c), and
- (c) in subsection (8), paragraph (a) and the word “and” at the end of that paragraph.

In section 252—

- (a) in subsection (4), paragraph (a) and the word “and” at the end of that paragraph, and
- (b) subsection (7).

In section 276, in the Table, the entry for “Appointed member”.

In Schedule 9—

- (a) paragraph 1,
- (b) paragraph 2(2),
- (c) paragraph 3(2), and

Status: Point in time view as at 16/11/2011.

Changes to legislation: Localism Act 2011 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

Equality Act 2010 (c. 15)	(d) paragraph 28(2). In Schedule 19, the entry for the Office for Tenants and Social Landlords.
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VALID FROM 01/04/2012

PART 27

REGULATION OF SOCIAL HOUSING

<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). 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 (b) in subsection (7), paragraph (c) and word “and” immediately preceding that paragraph. Section 204. Section 205. Section 216(d). Section 218(2)(b) and (c)

PROSPECTIVE

PART 28

HOUSING OMBUDSMAN

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

Status: Point in time view as at 16/11/2011.

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VALID FROM 15/01/2012

PART 29

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.
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)”. Schedule 8.
Consumers, Estate Agents and Redress Act 2007 (c. 17)	In Schedule 7, paragraph 23.
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”.

VALID FROM 06/04/2012

PART 30

TENANTS' DEPOSITS

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

Status: Point in time view as at 16/11/2011.

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VALID FROM 01/04/2012

PART 31

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)”.
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.
Greater London Authority Act 1999 (c. 29)	Section 31(3)(a) and (4).
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 section 148(1), in each of paragraphs (a) and (b), the words “may not”. In Schedule 8— (a) paragraph 62(b), (b) paragraph 73(2) and (3), and (c) paragraph 74(a).

VALID FROM 31/03/2012

PART 32

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)”.

Status: Point in time view as at 16/11/2011.

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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.
Local Government Act 1974 (c. 7)	Section 25(1)(bbb).
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”.
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”.
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).

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Section 20(3A).

Section 25(7A).

Section 26(2A) and (3A).

Section 26A.

Section 27(1A).

Section 30A.

In section 41, the definition of “the London Development Agency”.

In Schedule 1, the entry for the London region.

In Schedule 2—

- (a) paragraphs 1(4) and (5), 2(2) and (3), 3A and 4(5), and
- (b) in paragraph 5(1) the words from “other than the London Development Agency” to the end.

Schedule 6A.

Local Government Act 1999 (c. 27) Section 1(1)(j).

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”.

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.

In section 68—

- (a) subsection (2)(c),
- (b) in subsection (3) the words “or the London Development Agency”,
- (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
- (e) subsection (7).

In section 73(6), in the substituted subsection (2), in the definition of “GLA body or person”

- (a) paragraph (c),
- (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

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	(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)”.
	Sections 304 to 309.
	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.
	Section 389(1)(c), (5)(c) and (6).
	Section 394(2) and (6).
	Section 400(2).
	Section 408(5).
	Section 409(4).
	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—
	(a) paragraph 35, and
	(b) in Part 6, in the entry for regional development agencies, the words “, other than the London Development Agency”.
Greater London Authority (Miscellaneous Amendments) Order 2000 (S.I. 2000/1435)	In the Schedule, paragraph 5(2).
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.
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.
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”.
Local Democracy, Economic Development and Construction Act 2009 (c. 20)	Section 35(2)(q). In Schedule 5, paragraph 6.

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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)”.
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VALID FROM 03/05/2012

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). Section 354(2)(a). In section 355(7), in the words after paragraph (c), the words “of the strategy”. Section 360(5). In section 361B, subsections (1), (7) and (9) to (11) and, in subsection (12), the definition of “prescribed”. Section 361C. Section 361D(1) and (3) to (5). Section 361E. Section 362(1) and (5) to (7). Section 363(2)(a). Section 370(1) and (6) to (8).

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VALID FROM 06/04/2012

PART 34

COMPENSATION FOR COMPULSORY ACQUISITION

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Land Compensation Act 1961 (c. 33)	In section 20— (a) in the opening words, the words “and appeals under section eighteen of this Act” and the word “respectively”, and (b) paragraphs (b) and (d). Section 21.
Local Government, Planning and Land Act 1980 (c. 65)	Section 121(1). In section 121(2)— (a) the words “Section 17 of the Land Compensation Act 1961 and”, and (b) the word “each”. In Schedule 24, Part 1. In Schedule 33— (a) in paragraph 5(1), the words “2(2), 15(5) and”, and (b) paragraph 5(2) and(3).
Norfolk and Suffolk Broads Act 1988 (c. 4)	In Schedule 3, paragraph 3.
Planning and Compensation Act 1991 (c. 34)	Sections 64 and 65. In Schedule 6, paragraph 1(1)(a). In Schedule 15— (a) in paragraph 15(1), the words “section 14(1) of” and the words after “1961”, and (b) paragraphs 15(2) and 16(a).
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 3, paragraph 1.
Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307)	In Schedule 1, paragraph 42.

Status:

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Changes to legislation:

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