



# Localism Act 2011

## 2011 CHAPTER 20

### PART 8

#### LONDON

### CHAPTER 2

#### MAYORAL DEVELOPMENT CORPORATIONS

#### *Other functions*

#### **214 Powers in relation to discretionary relief from non-domestic rates**

- (1) Subsection (2) applies if the Mayor designates a Mayoral development area.
- (2) The Mayor may decide that the MDC for the area is to have—
  - (a) in relation to qualifying hereditaments in the area, the function of making decisions (under section 47(3) and (6) of the 1988 Act) to the effect that section 47 of the 1988 Act applies as regards a hereditament, and
  - (b) in relation to a hereditament as regards which that section applies as a result of a decision made by the MDC, the function of making the determinations mentioned in section 47(1)(a) of the Local Government Finance Act 1988 (determination of amount of discretionary relief).
- (3) The Mayor may at any time decide that a decision under subsection (2) should be revoked.
- (4) The Mayor may make a decision under subsection (2) or (3) only if—
  - (a) the Mayor has consulted the persons specified by section 197(4) in relation to the area,
  - (b) the Mayor has had regard to any comments made in response by the consultees, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) in the event that those comments include comments made by the London Assembly or an affected local authority that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.

In paragraph (c) “affected local authority” means a person specified by section 197(4) (d), (e), (f) or (g) in relation to the area.

- (5) If the Mayor makes a decision under subsection (2) or (3), the Mayor must—
  - (a) publicise the decision, and
  - (b) notify the Secretary of State of the decision.
- (6) If the Secretary of State receives notification under subsection (5) of a decision, the Secretary of State must give effect to the decision—
  - (a) when making the order under section 198(2) that establishes an MDC for the area, or
  - (b) by exercising the power to amend that order (see section 14 of the Interpretation Act 1978).
- (7) Exercise by an MDC of functions mentioned in subsection (2) requires the Mayor’s consent.
- (8) If an MDC has the functions mentioned in subsection (2) it has them in place of the authority that would otherwise have them.
- (9) For the purposes of subsection (2), a hereditament is a “qualifying hereditament” on a day if neither—
  - (a) section 43(6) of the 1988 Act (charities and community amateur sports clubs), nor
  - (b) section 47(5B) of the 1988 Act (certain organisations not established or conducted for profit),applies on that day.