



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 1

COMBINED COUNTY AUTHORITIES

Functions of CCAs

18 Local authority functions

- (1) The Secretary of State may by regulations provide for a function of a county council or a district council that is exercisable in relation to an area which is within a CCA's area to be exercisable by the CCA in relation to the CCA's area.
- (2) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that the function can appropriately be exercised by the CCA.
- (3) Regulations under subsection (1) may make provision for the function to be exercisable by the CCA either generally or subject to such conditions or limitations as may be specified in the regulations.
- (4) Regulations under subsection (1) which provide for a function of a county council or a unitary district council to be exercisable by a CCA may make provision for the function to be exercisable by the CCA instead of by the county council or unitary district council.
- (5) Regulations under subsection (1) which provide for a function of a county council or a district council to be exercisable by a CCA may make provision—
 - (a) for the function to be exercisable by the CCA concurrently with the county council or district council,

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- (b) for the function to be exercisable by the CCA and the county council or district council jointly, or
 - (c) for the function to be exercisable by the CCA jointly with the county council or district council but also continue to be exercisable by the council alone.
- (6) Regulations under subsection (1) may be made in relation to a CCA only with the consent of—
- (a) the constituent councils, and
 - (b) in the case of regulations in relation to an existing CCA, the CCA.

Commencement Information

II S. 18 in force at 26.12.2023, see s. 255(2)(c)

19 Other public authority functions

- (1) The Secretary of State may by regulations—
- (a) make provision for a function of a public authority that is exercisable in relation to a CCA's area to be a function of the CCA;
 - (b) make provision for conferring on a CCA in relation to its area a function corresponding to a function that a public authority has in relation to another area.
- (2) Regulations under subsection (1) may include further provision about the exercise of the function including—
- (a) provision for the function to be exercisable by the public authority or CCA subject to conditions or limitations specified in the regulations;
 - (b) provision as to joint working arrangements between the CCA and public authority in connection with the function (for example, provision for the function to be exercised by a joint committee).
- (3) The provision that may be included in regulations under subsection (1)(a) includes, in particular, provision—
- (a) for the CCA to have the function instead of the public authority,
 - (b) for the function to be exercisable by the CCA concurrently with the public authority,
 - (c) for the function to be exercisable by the CCA and the public authority jointly, or
 - (d) for the function to be exercisable by the CCA jointly with the public authority but also continue to be exercisable by the public authority alone.
- (4) Regulations under subsection (1)(a) may, in particular, include provision to abolish the public authority in a case where, as a result of the regulations, it will no longer have any functions.
- (5) Regulations under subsection (1) may not provide for a regulatory function that is exercisable by a public authority in relation to the whole of England to be exercisable by a CCA in relation to its area if the regulated function is itself exercisable by the CCA by virtue of regulations under this section.
- (6) Subsection (7) applies where regulations under subsection (1) contain a reference to a document specified or described in the regulations (for example, in imposing a

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condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).

- (7) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed—
- (a) as a reference to that document as amended from time to time, or
 - (b) as including a reference to a subsequent document that replaces that document, the regulations may make express provision to that effect.
- (8) See also section 18 of the Cities and Local Government Devolution Act 2016 (devolving health service functions) which contains further limitations.
- (9) In this section—
- “function” (except in subsection (4)) does not include a power to make regulations or other instruments of a legislative character;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “public authority”—
 - (a) includes a Minister of the Crown or a government department;
 - (b) does not include a county council or a district council;
 - “regulated function” means the function of carrying out an activity to which a regulatory function relates;
 - “regulatory function” has the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006.

Commencement Information

I2 S. 19 in force at 26.12.2023, see s. 255(2)(c)

20 Section 19 regulations: procedure

- (1) The Secretary of State may make regulations under section 19(1) only if—
- (a) a proposal for the making of the regulations in relation to the CCA has been made to the Secretary of State—
 - (i) as part of a proposal under section 45, or
 - (ii) in accordance with section 47, or
 - (b) the appropriate consent is given and the Secretary of State considers that the making of the regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area or areas to which the regulations relate.
- (2) For the purposes of subsection (1)(b), the appropriate consent is given to the making of regulations under section 19(1) only if—
- (a) in the case of regulations relating to an existing CCA, each appropriate authority consents;
 - (b) in any other case, each constituent council consents.
- (3) The requirements in subsection (1) do not apply where the regulations are made under sections 19(1) and 30(1) in relation to an existing mayoral CCA and provide for a function—
- (a) to be a function of the CCA, and

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(b) to be a function exercisable only by the mayor.

See section 31 in relation to regulations of this kind.

- (4) The requirement in subsection (1)(b) for the appropriate consent to be given to the making of regulations under section 19(1) does not apply where—
- (a) the regulations revoke (in whole or in part), or otherwise amend, previous regulations under section 19(1), and
 - (b) the only purpose of the regulations is to provide for a health service function of a CCA to cease to be exercisable by the CCA.
- (5) In subsection (4)(b) “health service function of a CCA” means a function which—
- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
 - (b) is exercisable by the CCA by virtue of regulations under section 19(1).
- (6) At the same time as laying a draft of a statutory instrument containing regulations under section 19(1) before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (7) The report must include—
- (a) a description of any consultation taken into account by the Secretary of State,
 - (b) information about any representations considered by the Secretary of State in connection with the regulations, and
 - (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.
- (8) For the purposes of this section “the appropriate authorities” are—
- (a) each constituent council, and
 - (b) in the case of regulations in relation to an existing CCA, the CCA.

Commencement Information

I3 S. 20 in force at 26.12.2023, see s. 255(2)(c)

21 Integrated Transport Authority and Passenger Transport Executive

- (1) The Secretary of State may by regulations transfer functions of an Integrated Transport Authority (an “ITA”) to a CCA.
- (2) Regulations under subsection (1) may only be made in relation to functions exercisable by the ITA in relation to an area that becomes, or becomes part of, the CCA’s area by virtue of regulations under this Chapter.
- (3) The Secretary of State may by regulations provide for any function that is conferred or imposed on a Passenger Transport Executive by any enactment (whenever passed or made) to be exercisable by a CCA or the executive body of a CCA in relation to the CCA’s area.
- (4) Regulations under subsection (3) may make provision for any function that—
 - (a) is conferred or imposed on an ITA by any enactment (whenever passed or made), and

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- (b) relates to the functions of a Passenger Transport Executive, to be exercisable by a CCA in relation to the CCA's area.
- (5) Regulations under this section may be made in relation to a CCA only with the consent of—
 - (a) the constituent councils, and
 - (b) in the case of regulations in relation to an existing CCA, the CCA.

Commencement Information

14 S. 21 in force at 26.12.2023, see s. 255(2)(c)

22 Directions relating to highways and traffic functions

- (1) The Secretary of State may by regulations confer on a CCA a power to give a direction about the exercise of an eligible power.
- (2) An “eligible power” means a power of a county council or a unitary district council which the council has—
 - (a) as highway authority by virtue of section 1 of the Highways Act 1980, or
 - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984.
- (3) In this section references to a power do not include a reference to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—
 - (a) the area of the CCA, and
 - (b) the area of the authority subject to the direction.
- (5) A power of direction under this section must relate only to the exercise of an eligible power in respect of—
 - (a) a particular road (whether or not specified in the regulations), or
 - (b) a description of road (whether or not specified in the regulations).
- (6) In subsection (5) “road”—
 - (a) has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984, and
 - (b) does not include any road which is the subject of a concession agreement under Part 1 of the New Roads and Street Works Act 1991.
- (7) A power of direction under this section must relate only to any one or more of—
 - (a) the provision of information about the exercise of an eligible power which the authority subject to the direction has or might reasonably be expected to acquire;
 - (b) the imposition on such an authority of requirements relating to procedures to be followed prior to the exercise of an eligible power;
 - (c) the imposition on such an authority of requirements relating to the obtaining of consent prior to the exercise of an eligible power;

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- (d) the imposition on such an authority of conditions subject to which an eligible power may be exercised (including conditions relating to the times at which, and the manner in which, an eligible power may be exercised);
 - (e) a requirement to exercise an eligible power (including a requirement to exercise an eligible power subject to conditions);
 - (f) a prohibition on the exercise of an eligible power.
- (8) A power of direction under this section may be conferred subject to conditions.
- (9) Any direction given by virtue of this section—
- (a) must be given in writing and may be varied or revoked by a further direction in writing, and
 - (b) may make different provision for different cases and different provision for different areas.
- (10) If regulations under subsection (1) make provision for a direction by virtue of subsection (7)(e), the regulations must make provision for the direction not to have effect unless the CCA meets the cost of complying with the direction.
- (11) Except as provided for by section 24(7), regulations under subsection (1) may be made in relation to a CCA only with the consent of—
- (a) the constituent councils, and
 - (b) in the case of regulations in relation to an existing CCA, the CCA.

Commencement Information

I5 S. 22 in force at 26.12.2023, see s. 255(2)(c)

23 Contravention of regulations under section 22

- (1) Regulations under section 22(1) may provide that, if an authority exercises any power in contravention of a direction under such regulations, the CCA may take such steps as it considers appropriate to reverse or modify the effect of the exercise of the power.
- (2) For the purposes of subsection (1), the CCA has power to exercise any power of the authority subject to the direction on behalf of that authority.
- (3) Any reasonable expenses incurred by the CCA in taking any steps under subsection (1) are recoverable from the authority subject to the direction as a civil debt.

Commencement Information

I6 S. 23 in force at 26.12.2023, see s. 255(2)(c)

24 Designation of key route network roads

- (1) A CCA may designate a highway or proposed highway in its area as a key route network road, or remove its designation as a key route network road, with the consent of—
 - (a) each constituent council in whose area the highway or proposed highway is, and

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- (b) in the case of a mayoral CCA, the mayor.
- (2) The Secretary of State may designate a highway or proposed highway in the area of a CCA as a key route network road, or remove its designation as a key route network road, if requested to do so by—
- the CCA,
 - the mayor (if any) of the CCA, or
 - a constituent council.
- (3) A designation or removal under this section must be in writing and must state when it comes into effect.
- (4) The Secretary of State must send a copy of a designation or removal under [subsection \(2\)](#) to the CCA in question at least 7 days before the date on which it comes into effect.
- (5) A CCA must publish each designation or removal under this section of a key route network road within its area before the date on which it comes into effect.
- (6) A CCA that has key route network roads in its area must keep a list or map (or both) accessible to the public showing those roads.
- (7) The requirements in [section 22\(11\)](#) and [section 30\(11\)\(a\)](#) do not apply to provision under [section 22\(1\)](#) and [section 30\(1\)](#) contained in the same instrument so far as that provision—
- confers a power of direction on an existing mayoral CCA regarding the exercise of an eligible power in respect of key route network roads in the area of that CCA,
 - provides for that power of direction to be exercisable only by the mayor of the CCA, and
 - is made with the consent of the mayor after the mayor has consulted the constituent councils.
- (8) When a mayor consents under [subsection \(7\)\(c\)](#), the mayor must give the Secretary of State—
- a statement by the mayor that all of the constituent councils agree to the making of the regulations, or
 - if the mayor is unable to make that statement, the reasons why the mayor considers the regulations should be made even though not all of the constituent councils agree to them being made.
- (9) In this section—
- “eligible power” has the meaning given by [section 22\(2\)](#);
- “key route network road” means a highway or proposed highway designated for the time being under this section as a key route network road;
- “proposed highway” means land on which, in accordance with plans made by a highway authority, that authority are for the time being constructing or intending to construct a highway shown in the plans.

Commencement Information

I7 [S. 24](#) in force at 26.12.2023, see [s. 255\(2\)\(c\)](#)

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