



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2 **E+W**

#### LOCAL DEMOCRACY AND DEVOLUTION

### CHAPTER 1 **E+W**

#### COMBINED COUNTY AUTHORITIES

##### *General powers of CCAs*

#### **49** General power of CCA **E+W**

- (1) A CCA may do—
  - (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its “functional purposes”),
  - (b) anything it considers appropriate for purposes incidental to its functional purposes,
  - (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,
  - (d) anything it considers to be connected with—
    - (i) any of its functions, or
    - (ii) anything it may do under paragraph (a), (b) or (c), and
  - (e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on a CCA to do something, it confers power (subject to section 50) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on a CCA by subsection (1) is in addition to, and is not limited by, its other powers.

*Status: Point in time view as at 26/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: General powers of CCAs. (See end of Document for details)*

- (4) This section does not apply in relation to a CCA in respect of which regulations under section 52(1) have effect.

**Commencement Information**

**I1** S. 49 in force at 26.12.2023, see s. 255(2)(c)

**50 Boundaries of power under section 49 E+W**

- (1) Section 49(1) does not enable a CCA to do anything which it is unable to do by virtue of a relevant limitation which is expressed to apply—
- (a) to its power under section 49(1),
  - (b) to all of its powers, or
  - (c) to all of its powers but with exceptions that do not include its power under section 49(1).
- (2) If exercise of a relevant power of a CCA is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 49(1) so far as that power is overlapped by the relevant power.
- (3) Section 49(1) does not authorise a CCA to borrow money.
- (4) Section 49(1)(a) to (d) does not authorise a CCA to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of CCAs and other best value authorities to charge for discretionary services)).
- (5) Section 49(1)(e) does not authorise a CCA to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to the person.
- (6) Where under section 49(1)(e) a CCA does things for a commercial purpose, it must do them through—
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006,
  - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
  - (c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
- “relevant limitation” means a prohibition, restriction or other limitation imposed by a statutory provision;
- “relevant power” means a power conferred by a statutory provision;
- “statutory provision” means a provision of an Act or of an instrument made under an Act.

**Commencement Information**

**I2** S. 50 in force at 26.12.2023, see s. 255(2)(c)

*Status: Point in time view as at 26/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: General powers of CCAs. (See end of Document for details)*

## 51 Power to make provision supplemental to section 49 **E+W**

- (1) The Secretary of State may by regulations make provision preventing CCAs from doing under section 49(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by CCAs of power conferred by section 49(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
  - (a) all CCAs,
  - (b) particular CCAs, or
  - (c) particular descriptions of CCAs.
- (4) Before making regulations under subsection (1) or (2) the Secretary of State must consult—
  - (a) such representatives of CCAs,
  - (b) such representatives of local government, and
  - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—
  - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular CCA or to CCAs of a particular description, or
  - (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular CCA or to CCAs of a particular description.

### Commencement Information

**I3** S. 51 in force at 26.12.2023, see s. 255(2)(c)

## 52 General power of competence **E+W**

- (1) The Secretary of State may by regulations provide for Chapter 1 of Part 1 of the Localism Act 2011 (which confers a general power of competence on local authorities) to have effect in relation to a CCA specified in the regulations as it has effect in relation to a local authority.
- (2) Regulations under subsection (1) may be made only with the consent of the appropriate authorities (as defined by section 28(4)).
- (3) Where regulations under subsection (1) are contained in the same instrument as regulations made by virtue of section 28(2)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (2).

### Commencement Information

**I4** S. 52 in force at 26.12.2023, see s. 255(2)(c)

**Status:**

Point in time view as at 26/12/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: General powers of CCAs.