



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 1

COMBINED COUNTY AUTHORITIES

General powers of CCAs

50 **Boundaries of power under section 49**

- (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)).

Status: Point in time view as at 26/12/2023.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, Section 50. (See end of Document for details)

- (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

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

Status:

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