



# Sustainable Communities Act 2007 (Amendment) Act 2010

## 2010 CHAPTER 21

An Act to amend the Sustainable Communities Act 2007.

[8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Amendment of existing procedure in Sustainable Communities Act 2007**

- (1) The Sustainable Communities Act 2007 is amended as follows.
- (2) In section 3(3) for “which of the proposals on the short-list should be implemented” substitute “, in relation to each proposal on the short-list—
  - (a) whether the proposal should be implemented or not, and
  - (b) if the Secretary of State thinks that it should be implemented, whether to implement it in whole or in part.”

### **2 New procedure for proposals under Sustainable Communities Act 2007**

- (1) The Sustainable Communities Act 2007 is amended as follows.
- (2) After section 5 insert—

#### **“5A Subsequent invitations**

- (1) Sections 2 to 5 do not apply in relation to an invitation by the Secretary of State to make proposals if the invitation is issued on or after the day on which the Sustainable Communities Act 2007 (Amendment) Act 2010 comes into force.
- (2) The Secretary of State must, no later than 1st January 2011, give notice to local authorities of the latest date on which the Secretary of State proposes to invite

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local authorities to make proposals which they consider would contribute to promoting the sustainability of local communities.

- (3) The Secretary of State must issue the invitation on or before the date specified in accordance with subsection (2).
- (4) A local authority must have regard to the matters specified in the Schedule before making a proposal in response to an invitation by the Secretary of State.

### **5B Power to make regulations**

- (1) The Secretary of State may make regulations about proposals made in response to an invitation issued on or after the day on which the Sustainable Communities Act 2007 (Amendment) Act 2010 comes into force.
- (2) Regulations under this section must—
  - (a) require the Secretary of State to consider each proposal and to decide—
    - (i) whether to implement the proposal, and
    - (ii) if the Secretary of State thinks that it should be implemented, whether to implement it in whole or in part, and
  - (b) require the Secretary of State—
    - (i) to publish a decision, in relation to each proposal, as to whether it will be implemented or not and, if it is to be implemented, whether in whole or in part,
    - (ii) where the proposal, or part of the proposal, is to be implemented, to specify the action to be taken, and
    - (iii) to give reasons for the decision.
- (3) Regulations under this section may, in particular, include provision—
  - (a) requiring a local authority to take specified steps before making a proposal (which may, in particular, include a requirement to consult or otherwise involve the council of any parish which is wholly or partly within the local authority's area, or to consult local persons);
  - (b) specifying the way in which consultation required by the regulations is to be carried out;
  - (c) requiring a local authority to try to reach agreement with persons consulted under the regulations;
  - (d) requiring a local authority to have regard to guidance issued by the Secretary of State;
  - (e) about the making of petitions, in relation to a proposal or a suggestion for a proposal, to a local authority by local persons;
  - (f) about the form, content and timing of proposals;
  - (g) enabling the Secretary of State to appoint one or more persons to advise the Secretary of State in relation to proposals, or to prepare a short-list of proposals for consideration by the Secretary of State;
  - (h) enabling the Secretary of State to specify one or more persons who must be consulted, and with whom the Secretary of State must try to reach agreement, before making a decision in relation to a proposal;
  - (i) about the manner in which the Secretary of State's decisions are to be published;

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- (j) requiring the Secretary of State to publish and lay before Parliament a report describing the progress which has been made in relation to implementation of proposals.
- (4) In subsection (3) “local person”, in relation to a local authority, means a person who lives, works or studies in the local authority's area.
- (5) Before making regulations under this section, the Secretary of State must consult—
  - (a) local authorities, and
  - (b) such other persons who represent the interests of local authorities as the Secretary of State thinks fit.
- (6) A reference in this section to a local authority is to be treated, where an order has been made under section 5C specifying persons or classes of person who may make proposals under this Act, as including a reference to those persons or classes of person.

#### **5C Order specifying additional persons who may make proposals**

- (1) The Secretary of State may by order specify persons or classes of persons, in addition to local authorities, who may make proposals under this Act on or after a date specified in the order.
- (2) Before making an order under this section, the Secretary of State must consult—
  - (a) local authorities,
  - (b) such other persons who represent the interests of local authorities as the Secretary of State thinks fit, and
  - (c) persons or classes of persons whom the Secretary of State proposes to specify in the order.

#### **5D Regulations and orders: general provision**

- (1) Regulations under section 5B, or an order under section 5C, may—
  - (a) provide for a person to exercise a discretion in dealing with a matter;
  - (b) include incidental, supplementary and consequential provision;
  - (c) make transitional provision or savings;
  - (d) make provision generally, only in specified cases or subject to exceptions;
  - (e) make different provision for different cases or for different purposes.
- (2) Regulations under section 5B, or an order under section 5C—
  - (a) must be made by statutory instrument, and
  - (b) are subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In the opening words of paragraph 1 of the Schedule, after “2” insert “ and 5A(4) ”.

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### **3 Short title, commencement and extent**

- (1) This Act may be cited as the Sustainable Communities Act 2007 (Amendment) Act 2010.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

**Changes to legislation:**

There are currently no known outstanding effects for the Sustainable Communities Act 2007 (Amendment) Act 2010.