



Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

Combined and local authorities: governance, constitution and functions etc

16 Power to transfer etc public authority functions to certain local authorities

- (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 relevant local authority's area to be a function of the local authority;
 - (b) make provision for conferring on a relevant local authority 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 relevant local authority subject to conditions or limitations specified in the regulations;
 - (b) provision as to joint working arrangements between the relevant local authority 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 relevant local authority to have the function instead of the public authority,
 - (b) for the function to be exercisable by the relevant local authority concurrently with the public authority,
 - (c) for the function to be exercisable by the relevant local authority and the public authority jointly, or

Status: This is the original version (as it was originally enacted).

- (d) for the function to be exercisable by the relevant local authority 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—
- (a) provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities) from the public authority to the relevant local authority (including provision corresponding to any provision made by section 17(4) to (7) of the Localism Act 2011);
 - (b) 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 this section 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 relevant local authority in relation to its area if the regulated function is itself exercisable by the relevant local authority 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 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 (devolving health service functions) which contains further limitations.
- (9) In this section—
- “function” (except in subsection (4)(b)) 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” includes a Minister of the Crown or a government department;
 - “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;
 - “relevant local authority” means a county council in England or a district council.