



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 13

GENERAL

246 Data protection

- (1) This section applies to a duty or power, to disclose or use information, imposed or conferred by or under any provision of this Act, other than section 86 (in relation to which see subsection (2) of that section).
- (2) A duty or power to which this section applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).
- (3) In this section “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

247 Crown application

- (1) This Act binds the Crown, subject to subsections (2) to (4).
- (2) The amendments made by this Act bind the Crown only to the extent that the provisions amended bind the Crown.
- (3) Part 10 does not apply in relation to land that is Crown land for the purposes of Part 13 of TCPA 1990 (see section 293 of that Act).
- (4) Part 11 does not apply in relation to land belonging to His Majesty in right of His private estates (as construed in accordance with section 1 of the Crown Private Estates Act 1862).

248 Amendments of references to “retained direct EU legislation”

In [section 166\(3\)\(e\)](#) for “retained direct EU legislation” substitute “assimilated direct legislation”

249 Abbreviated references to certain Acts

In this Act—

“GLAA 1999” means the Greater London Authority Act 1999;

“the Hazardous Substances Act” means the Planning (Hazardous Substances) Act 1990;

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“PCPA 2004” means the Planning and Compulsory Purchase Act 2004;

“TCPA 1990” means the Town and Country Planning Act 1990.

250 Power to make consequential provision

- (1) The Secretary of State may by regulations make provision that is consequential on this Act or any provision made under it.
- (2) Regulations under this section may amend, repeal or revoke provision made by this Act or any provision made by or under primary legislation passed—
 - (a) before this Act, or
 - (b) in the same session of Parliament as this Act.
- (3) In this section “primary legislation” means—
 - (a) an Act,
 - (b) an Act or Measure of Senedd Cymru,
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation.

251 Power to address conflicts with the Historic Environment (Wales) Act 2023

- (1) The Secretary of State may by regulations amend this Act, or any Act amended by this Act, in consequence of a relevant amending provision of the Historic Environment (Wales) Act 2023 (“HEWA 2023”) coming into force before a provision of this Act.
- (2) That power includes, in relation to an Act amended by this Act, the power to make amendments to serve in place of those contained in this Act.
- (3) Amendments made in reliance on subsection (2) must produce in substance the same effect in relation to England as the amendments contained in this Act would produce if the relevant amending provision of HEWA 2023 were ignored.
- (4) In this section—

“amend” includes repeal, and related terms are to be read accordingly;

a “relevant amending provision” of HEWA 2023 means a provision of that Act that amends an enactment that—

 - (a) is amended by this Act, or
 - (b) relates to an enactment amended by this Act.

252 Regulations

- (1) A power to make regulations under this Act includes power to make—
 - (a) different provision for different purposes;
 - (b) different provision for different areas;
 - (c) consequential, incidental, supplementary, transitional, transitory or saving provision.
- (2) A power to make regulations under [Chapter 1](#) of [Part 2](#), in the case of regulations other than regulations under [section 13\(1\)](#) or regulations mentioned in [subsection \(8\)\(a\)](#) to [\(c\)](#), includes power to make provision amending, applying (with or without modifications), disapplying, repealing or revoking any enactment whenever passed or made.
- (3) Regulations under this Act are to be made by statutory instrument.
- (4) A statutory instrument containing regulations that fall within [subsection \(5\)](#) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Regulations fall within this subsection if they contain provision (whether alone or with other provision)—
 - (a) under [Chapter 1](#) of [Part 2](#), other than provision of the kind mentioned in [subsection \(8\)\(a\)](#) to [\(c\)](#);
 - (b) under [section 81\(6\)\(b\)](#);
 - (c) under [section 132](#);
 - (d) under [Part 5](#) other than [section 142\(1\)\(a\)](#);
 - (e) under [section 217](#);
 - (f) under [Part 11](#);
 - (g) under [section 228](#);
 - (h) under [section 233](#);
 - (i) which—
 - (i) amends or repeals any provision of primary legislation, and
 - (ii) is not made under [section 251](#) or under [section 250](#) in consequence of regulations under [section 251](#).
- (6) A statutory instrument containing regulations which fall within [subsection \(8\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) [Subsection \(6\)](#) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Regulations fall within this subsection if they contain provision (whether alone or with other provision)—
 - (a) under [section 45\(8\)](#) or [47\(9\)](#);
 - (b) under [section 51\(1\)](#) made only for the purpose mentioned in [section 51\(5\)\(b\)](#);
 - (c) under [section 51\(2\)](#) made only for that purpose or for imposing conditions on the doing of things for a commercial purpose;
 - (d) under [section 81](#), other than [section 81\(6\)\(b\)](#);
 - (e) under [section 108](#);
 - (f) under [section 142\(1\)\(a\)](#);
 - (g) under [section 187](#);

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- (h) under [Part 10](#);
 - (i) under [section 230\(2\)\(a\)\(vii\)](#) or [\(6\)\(a\)](#);
 - (j) under [section 250](#);
 - (k) under [section 251](#).
- (9) Subsections [\(3\)](#) to [\(8\)](#) do not apply to regulations under [Chapter 1](#) of [Part 3](#) or [Part 6](#).
- (10) [Schedule 24](#) contains provision about regulations made under [Chapter 1](#) of [Part 3](#) or [Part 6](#).
- (11) If a draft of a statutory instrument containing regulations under [Chapter 1](#) of [Part 2](#) or [section 228](#) would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.
- (12) This section does not apply to regulations under [section 255](#).
- (13) In this section “primary legislation” means—
- (a) an Act,
 - (b) an Act or Measure of Senedd Cymru,
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation.

253 Financial provisions

- (1) There is to be paid out of money provided by Parliament any expenditure incurred under or by virtue of this Act by a Minister of the Crown or another public authority.
- (2) There is to be paid out of the National Loans Fund, the Consolidated Fund or money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of the National Loans Fund, the Consolidated Fund or money so provided.

254 Extent

- (1) [Part 1](#) extends to England and Wales, Scotland and Northern Ireland.
- (2) [Part 2](#) extends to England and Wales only.
- (3) In [Part 3](#)—
 - (a) [Chapter 1](#) (including [Schedule 13](#) so far as it relates to [Chapter 1](#) of [Part 3](#)) extends to England and Wales, Scotland and Northern Ireland;
 - (b) an amendment or repeal made by [Chapters 2](#) to [6](#) has the same extent as the provision amended or repealed;
 - (c) [sections 108](#) and [132](#) extend to England and Wales, Scotland and Northern Ireland;
 - (d) [section 133](#) extends to England and Wales and Scotland;
 - (e) [section 136](#) extends to England and Wales only.
- (4) [Parts 4](#) and [5](#) extend to England and Wales only.
- (5) [Part 6](#) (including [Schedule 13](#) so far as it relates to [Part 6](#)) extends to England and Wales, Scotland and Northern Ireland.

- (6) [Part 7](#) extends to England and Wales only.
- (7) An amendment or repeal made by [Part 8](#) has the same extent as the provision amended or repealed.
- (8) [Parts 9](#) and [10](#) extend to England and Wales only.
- (9) [Part 11](#) extends to England and Wales, Scotland and Northern Ireland.
- (10) In [Part 12](#)—
 - (a) sections [228](#), [229](#) (and [Schedule 22](#)), [230](#), [233](#) to [236](#), [237](#) (and [Schedule 23](#)), [238](#), [240](#), [241](#), [243](#) and [245](#) extend to England and Wales only;
 - (b) sections [231](#), [232](#), [239](#) and [242](#) extend to England and Wales, Scotland and Northern Ireland;
 - (c) [section 244](#) extends to England and Wales and Scotland.
- (11) This Part extends to England and Wales, Scotland and Northern Ireland.

255 Commencement and transitional provision

- (1) In [Part 1](#)—
 - (a) [section 7](#) comes into force on the day on which this Act is passed, and
 - (b) the remaining provisions come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (2) In [Part 2](#)—
 - (a) sections [27](#) and [45](#) come into force on the day on which this Act is passed;
 - (b) in [Schedule 4](#)—
 - (i) if a provision amended by any of paragraphs [218](#), [222](#), [223](#) and [224](#) has not come into force before the end of the period mentioned in paragraph (c), that paragraph comes into force when the provision that it amends comes into force (but otherwise it comes into force at the end of that period);
 - (ii) paragraphs [226](#) to [230](#) come into force on such day as the Secretary of State may by regulations appoint;
 - (c) the remaining provisions of [Chapter 1](#) come into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (d) [section 58](#) comes into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (e) sections [59](#) and [60](#) come into force on the day on which this Act is passed;
 - (f) [section 61](#) comes into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (g) [section 62](#) comes into force on the day on which this Act is passed;
 - (h) sections [63](#) to [65](#) come into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (i) [section 66](#) comes into force on the day on which this Act is passed;
 - (j) sections [67](#) to [70](#) come into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (k) sections [71](#) and [72](#) come into force on the day on which this Act is passed;

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- (l) sections 73 and 74 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (m) section 75 comes into force on such day as the Secretary of State may by regulations appoint;
 - (n) section 76 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (o) section 77 comes into force on the day on which this Act is passed;
 - (p) section 78 comes into force on such day as the Secretary of State may by regulations appoint;
 - (q) sections 79 and 80 come into force on the day on which this Act is passed;
 - (r) section 81 (and Schedule 5) come into force on such day as the Secretary of State may by regulations appoint;
 - (s) sections 82 and 83 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) In Part 3—
- (a) sections 108, 109 (so far as it confers a power to make regulations or to make a development order), 112, 113 and 114 (so far as conferring a power to make regulations), 121, 126 to 128, 130 to 133 and 136 come into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (b) sections 109, 112, 113 and 114 (so far as not already commenced by virtue of paragraph (a)), Schedule 13 (so far as it relates to Chapter 1 of Part 3) and the other provisions come into force on such day as the Secretary of State may by regulations appoint.
- (4) Parts 4 and 5 come into force on such day as the Secretary of State may by regulations appoint.
- (5) Part 6 (including Schedule 13 so far as it relates to Part 6) comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) Part 7 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (7) Parts 8 to 10 come into force on such day as the Secretary of State may by regulations appoint.
- (8) Part 11 comes into force on the day on which this Act is passed.
- (9) In Part 12—
- (a) sections 229 (and Schedule 22), 230, 232, 235, 237 (and Schedule 23), 238 and 244 come into force on such day as the Secretary of State may by regulations appoint;
 - (b) sections 228, 231, 233, 234, 236, 239 to 243 and 245 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (10) In this Part—
- (a) sections 246, 247 and 249 to 256 come into force on the day on which this Act is passed;
 - (b) section 248 comes into force at the end of 2023.

- (11) A power under [this section](#) to appoint a day may be exercised to appoint different days for different purposes or areas.
- (12) The Secretary of State may by regulations make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.
- (13) The power to make regulations under [subsection \(12\)](#) includes power to—
 - (a) make different provision for different purposes;
 - (b) make different provision for different areas;
 - (c) confer a discretion on the Secretary of State to determine how something is treated under provision made under that subsection.
- (14) Regulations under [this section](#) are to be made by statutory instrument.

256 Short title

This Act may be cited as the Levelling-up and Regeneration Act 2023.