



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2

#### LOCAL DEMOCRACY AND DEVOLUTION

### CHAPTER 1

#### COMBINED COUNTY AUTHORITIES

#### *Supplementary*

#### **53 Incidental etc provision**

- (1) The Secretary of State may by regulations make incidental, consequential, transitional, transitory or supplementary provision for the purposes of, or in consequence of, regulations under this Chapter or for giving full effect to such regulations.
- (2) Regulations under subsection (1) may not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

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#### **Commencement Information**

- II** [S. 53](#) in force at 26.12.2023, see [s. 255\(2\)\(c\)](#)

#### **54 Transfer of property, rights and liabilities**

- (1) The Secretary of State may by regulations make provision for the transfer of property, rights and liabilities (including criminal liabilities) for the purposes of, or in consequence of, regulations under this Chapter or for giving full effect to such regulations.

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

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- (2) Property, rights and liabilities may be transferred by—
- (a) the regulations,
  - (b) scheme made by the Secretary of State under the regulations, or
  - (c) a scheme required to be made under the regulations by a person other than the Secretary of State.
- (3) A transfer by virtue of this section may have effect—
- (a) whether or not the property, rights and liabilities would otherwise be capable of being transferred;
  - (b) without any instrument or formality being required.
- (4) The rights and liabilities which may be transferred by virtue of this section include rights and liabilities in relation to a contract of employment.
- (5) The Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) apply to the transfer by virtue of this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).
- (6) Regulations under this section or a scheme made under them may define the property, rights and liabilities to be transferred by specifying or describing them.
- (7) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred;
  - (b) for the shared ownership or use of any property or facilities;
  - (c) for the management or custody of transferred property;
  - (d) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.
- (8) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the continuing effect of things done by the transferor in relation to anything transferred;
  - (b) for the continuation of things (including legal proceedings) in the process of being done, by or on behalf of or in relation to the transferor in relation to anything transferred;
  - (c) for references to the transferor in any agreement (whether written or not), instrument or other document in relation to anything transferred to be treated (so far as necessary for the purposes of or in consequence of the transfer) as references to the transferee.

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**Commencement Information**

**I2** [S. 54](#) in force at 26.12.2023, see [s. 255\(2\)\(c\)](#)

## 55 Guidance

- (1) The Secretary of State may give guidance about anything that could be done under or by virtue of this Chapter by an authority to whom this section applies.

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- (2) An authority to whom this section applies must have regard to any guidance given under this section in exercising any function conferred or imposed by or by virtue of this Chapter.
- (3) Any guidance under this section must be given in writing and may be varied or revoked by further guidance in writing.
- (4) Any such guidance may make different provision for different cases and different provision for different areas.
- (5) This section applies to—
  - (a) a county council;
  - (b) a district council;
  - (c) an Integrated Transport Authority;
  - (d) a combined authority;
  - (e) a CCA.

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**Commencement Information**

**I3** S. 55 in force at 26.12.2023, see s. 255(2)(c)

## 56 Consequential amendments

Schedule 4 (combined county authorities: consequential amendments) has effect.

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**Commencement Information**

**I4** S. 56 in force at 26.12.2023, see s. 255(2)(c)

## 57 Interpretation of Chapter

In this Chapter—

- “associate member” has the meaning given by section 12(1);
- “CCA” has the meaning given by section 9(1);
- “combined authority” has the meaning given by section 9(5);
- “constituent council” has the meaning given by section 10(11);
- “deputy mayor” has the meaning given by section 29(7);
- “economic prosperity board” has the meaning given by section 9(5);
- “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;
- “general functions” has the meaning given by section 30(2);
- “Integrated Transport Authority” has the meaning given by section 9(5);
- “local government area” has the meaning given by section 46(6);
- “mayor”, in relation to the area of a CCA, means the mayor for the area of the CCA by virtue of regulations under section 27(1);
- “mayoral CCA” has the meaning given by section 27(8);
- “nominating body” means a body designated under section 11(1);
- “non-constituent member” has the meaning given by section 11(3);

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“PCC functions” has the meaning given by section [33\(3\)](#);

“two-tier county council” has the meaning given by section [9\(5\)](#);

“unitary county council” has the meaning given by section [9\(5\)](#);

“unitary district council” has the meaning given by section [9\(5\)](#).

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**Commencement Information**

**I5** [S. 57](#) in force at 26.12.2023, see [s. 255\(2\)\(c\)](#)

**Changes to legislation:**

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