



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 2

OTHER PROVISION

Combined authorities

58 Review of combined authority's constitutional arrangements

After section 104C of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 64(8)) insert—

“104D Review of combined authority's constitutional arrangements

- (1) This section applies if an order under section 104(1) (constitution of combined authority) enables a combined authority to make provision about its constitution (“constitutional provision”).
- (2) An appropriate person may carry out a review of the combined authority's constitutional provision if—
 - (a) an appropriate person proposes a review, and
 - (b) the combined authority consents to the review.
- (3) If an appropriate person carries out a review under subsection (2), they may propose changes to the combined authority's constitutional provision as a result of the review for agreement by the authority.
- (4) The question of whether to consent under subsection (2)(b) or to agree to changes proposed under subsection (3) is to be decided at a meeting of the

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

combined authority by a simple majority of the voting members of the authority who are present at the meeting.

- (5) In the case of a mayoral combined authority—
- (a) a majority in favour of consenting under subsection (2)(b) does not need to include the mayor, but
 - (b) a majority in favour of changes proposed under subsection (3) must include the mayor.
- (6) The reference in subsection (4) to a voting member—
- (a) includes a substitute member who may act in place of a voting member;
 - (b) does not include a non-constituent member.
- (7) Subsection (4) applies instead of—
- (a) any provision of an order under section 104(1) made before the coming into force of this section which is about the procedure applying to a decision on a question of a kind mentioned in subsection (4), and
 - (b) any constitutional provision of a combined authority about such procedure.
- (8) In this section “appropriate person”, in relation to a combined authority, means—
- (a) a member of the authority appointed by a county council the whole or any part of whose area is within the area of the authority,
 - (b) a member of the authority appointed by a district council whose area is within the area of the authority, or
 - (c) the mayor for the area of the authority (if it is a mayoral combined authority).”

Commencement Information

II S. 58 in force at 26.12.2023, see s. 255(2)(d)

59 Consent to changes to combined authority’s area

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104 (constitution of combined authority), after subsection (11) insert—

“(11A) If the only provision made under this section in an order under this Part is provision as a result of an order under section 106 (changes to boundaries of combined authority’s area)—

 - (a) subsection (10) does not apply to the order under this Part, and
 - (b) subsections (3A) to (3H) of section 106 apply in relation to the order as if it contained the provision made by the order under section 106.”
- (3) Section 106 (changes to boundaries of combined authority’s area) is amended in accordance with subsections (4) to (9).
- (4) For subsection (3A) substitute—

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

“(3A) An order under this section adding or removing a local government area to or from an existing area of a mayoral combined authority may be made only if—

- (a) the relevant council in relation to the local government area consents, and
- (b) the mayor for the area of the combined authority consents.

(3AA) An order under this section adding or removing a local government area to or from an existing area of a combined authority which is not a mayoral combined authority may be made only if—

- (a) the relevant council in relation to the local government area consents, and
- (b) the combined authority consents.”

(5) In subsection (3B), for “subsection (3A)(a)” substitute “subsections (3A)(a) and (3AA)(a)”.

(6) In subsection (3C), after “subsection (3A)(a)” insert “or (3AA)(a)”.

(7) After subsection (3C) insert—

“(3CA) The question of whether to consent under subsection (3AA)(b) to an order under this section is to be decided at a meeting of the combined authority by a simple majority of the voting members of the authority who are present at the meeting.

(3CB) Subsection (3CA) applies instead of—

- (a) any provision of an order under section 104(1) made before the coming into force of that subsection which is about the procedure applying to a decision on a question of the kind mentioned in that subsection, and
- (b) any provision made by a combined authority about its constitution under such an order about such procedure.”

(8) For subsection (3D) substitute—

“(3D) Where an order under subsection (1)(b) is made as a result of the duty in section 105B(5) or 107B(4)—

- (a) subsection (2) does not apply, and
- (b) neither subsection (3A) nor subsection (3AA) applies.”

(9) After subsection (3D) insert—

“(3E) Subsection (3F) applies if a combined authority has made provision about its constitution under an order under section 104(1).

(3F) A decision about any change to that provision as a result of an order under this section is to be decided at a meeting of the combined authority by a simple majority of the voting members of the authority who are present at the meeting.

(3G) Subsection (3F) applies instead of—

- (a) any provision of an order under section 104(1) made before the coming into force of that subsection which is about the procedure applying to a decision on a question of the kind mentioned in that subsection, and

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

- (b) any provision made by a combined authority about its constitution under such an order about such procedure.

(3H) A reference in this section to a voting member—

- (a) includes a substitute member who may act in place of a voting member;
- (b) does not include a non-constituent member.”

Commencement Information

I2 S. 59 in force at Royal Assent, see [s. 255\(2\)\(e\)](#)

60 Changes to mayoral combined authority’s area: additional requirements

- (1) An order under section 106 of the Local Democracy, Economic Development and Construction Act 2009 which adds a local government area to an existing area of a mayoral combined authority may only be made during the relevant period if the consultation requirements in subsection (2) are met.
- (2) The consultation requirements are as follows—
 - (a) the Secretary of State has consulted the Local Government Boundary Commission for England,
 - (b) the mayor for the area of the combined authority has consulted the residents of the local government area which is to be added to that area, and
 - (c) the mayor has given the Secretary of State a report providing information about the consultation carried out under paragraph (b), and the Secretary of State has laid the report before Parliament.
- (3) In this section, “the relevant period” means the period of 9 months beginning with the day on which this Act is passed.

Commencement Information

I3 S. 60 in force at Royal Assent, see [s. 255\(2\)\(e\)](#)

61 Consent to conferral of general functions on mayor

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104 (constitution of combined authority), after subsection (11A) (inserted by section [59\(2\)](#)) insert—

“(11B) If the only provision made under this section in an order under this Part is provision as a result of an order to which section 107DA (procedure for direct conferral of general functions on mayor) applies—

 - (a) subsection (10) does not apply to the order under this Part, and
 - (b) the order may be made only with the consent of the mayor for the combined authority.”
- (3) In section 105B (section 105A orders: procedure), after subsection (5) insert—

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

“(5A) The requirements in subsection (1) do not apply where the order is made under sections 105A and 107D in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

See section 107DA in relation to an order of this kind.”

(4) In section 107D (functions of mayors: general), after subsection (10) insert—

“(11) The requirement in subsection (9) does not apply where the order is made under section 105A and this section in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

See section 107DA in relation to an order of this kind.”

(5) After section 107D insert—

“107DA Procedure for direct conferral of general functions on mayor

(1) This section applies in relation to an order which is made under sections 105A and 107D in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

(2) The Secretary of State may make the order only if a request for the making of the order has been made to the Secretary of State by the mayor.

(3) Before submitting a request under this section, the mayor must consult the constituent councils.

(4) A request under this section must contain—

- (a) a statement by the mayor that all of the constituent councils agree to the making of the order, or
- (b) if the mayor is unable to make that statement, the reasons why the mayor considers the order should be made even though not all of the constituent councils agree to it being made.

(5) In this section “constituent council” means—

- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
- (b) a district council whose area is within the area of the combined authority.”

Commencement Information

I4 S. 61 in force at 26.12.2023, see s. 255(2)(f)

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

62 Consent to conferral of police and crime commissioner functions on mayor

- (1) Section 107F of the Local Democracy, Economic Development and Construction Act 2009 (functions of mayors: policing) is amended as follows.
- (2) For subsection (4) substitute—
 - “(4) An order under subsection (1) may be made in relation to an existing mayoral combined authority only with the consent of the mayor of the authority.”
- (3) Omit subsection (9).

Commencement Information

I5 S. 62 in force at Royal Assent, see [s. 255\(2\)\(g\)](#)

63 Functions in respect of key route network roads

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104, in subsection (10), for “An” substitute “Except as provided for by [section 107ZA\(7\)](#), an”.
- (3) In section 107D, in subsection (9), for “An” substitute “Except as provided for by [section 107ZA\(7\)](#), an”.
- (4) After section 107 insert—

“Combined authorities: key route network roads

107ZA Designation of key route network roads

- (1) A combined authority may designate a highway or proposed highway in its area as a key route network road, or remove its designation as a key route network road, with the consent of—
 - (a) each constituent council in whose area the highway or proposed highway is, and
 - (b) in the case of a mayoral combined authority, the mayor.
- (2) The Secretary of State may designate a highway or proposed highway in the area of a combined authority as a key route network road, or remove its designation as a key route network road, if requested to do so by—
 - (a) the combined authority,
 - (b) the mayor (if any) of the combined authority, or
 - (c) a constituent council.
- (3) A designation or removal under this section must be in writing and must state when it comes into effect.
- (4) The Secretary of State must send a copy of a designation or removal under [subsection \(2\)](#) to the combined authority in question at least 7 days before the date on which it comes into effect.

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

- (5) A combined authority must publish each designation or removal under this section of a key route network road within its area before the date on which it comes into effect.
- (6) A combined authority that has key route network roads in its area must keep a list or map (or both) accessible to the public showing those roads.
- (7) The requirements in section 104(10) and section 107D(9)(a) do not apply to provision under section 104(1)(d) and section 107D(1) contained in the same instrument so far as that provision—
- (a) confers a power of direction on an existing mayoral combined authority regarding the exercise of an eligible power in respect of key route network roads in the area of that combined authority,
 - (b) provides for that power of direction to be exercisable only by the mayor of the combined authority, and
 - (c) is made with the consent of the mayor after the mayor has consulted the constituent councils.
- (8) When a mayor consents under [subsection \(7\)\(c\)](#), the mayor must give the Secretary of State—
- (a) a statement by the mayor that all of the constituent councils agree to the making of the order, or
 - (b) if the mayor is unable to make that statement, the reasons why the mayor considers the order should be made even though not all of the constituent councils agree to it being made.
- (9) In this section—
- “constituent council” has the meaning given in section 104(11);
- “eligible power” has the meaning given by section 88(2) of the Local Transport Act 2008;
- “key route network road” means a highway or proposed highway designated for the time being under this section as a key route network road;
- “proposed highway” means land on which, in accordance with plans made by a highway authority, that authority are for the time being constructing or intending to construct a highway shown in the plans.”

Commencement Information

I6 S. 63 in force at 26.12.2023, see [s. 255\(2\)\(h\)](#)

64 Membership of combined authority

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) Section 104 (constitution of combined authority) is amended in accordance with subsections [\(3\)](#) to [\(7\)](#).
- (3) In subsection (2), for “85” substitute “85(1) to (3)”.

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

(4) For subsection (2A) substitute—

“(2A) But—

- (a) section 84 of that Act, in its application to a combined authority by virtue of subsection (1)(a), is subject to—
 - (i) sections 104A and 104B and regulations under section 104C (combined authority membership), and
 - (ii) sections 104D(4) and 106(3CA) and (3F) (procedure for combined authority consents), and
- (b) section 85(1) of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2AA) and (2B).”

(5) After subsection (2A) insert—

“(2AA) Section 85(1)(a) has effect as if it required an order which includes provision about the number and appointment of members of a combined authority to provide for the authority’s members, other than—

- (a) the mayor (in the case of a mayoral combined authority),
- (b) the authority’s non-constituent members (see section 104A), and
- (c) the authority’s associate members (see section 104B),

to be appointed by the authority’s constituent councils.”

(6) Omit subsection (2C).

(7) In subsection (11), for “subsection (10)” substitute “this section”.

(8) After section 104 insert—

“104A Non-constituent members of a combined authority

- (1) A combined authority may designate a body other than a constituent council as a nominating body for the purposes of this Part.
- (2) A body may be designated under subsection (1) only if the body consents to the designation.
- (3) A nominating body of a combined authority may nominate a representative of the body for appointment by the authority as a member (a “non-constituent member”).
- (4) The non-constituent members of a combined authority are to be non-voting members of that authority unless the voting members resolve otherwise.
- (5) A resolution under subsection (4) does not permit non-constituent members to vote on a decision whether the combined authority should consent to the making of an order under this Part.
- (6) This section is subject to regulations under section 104C(4) (disapplication of this section).
- (7) In this section “constituent council”, in relation to a combined authority, means—
 - (a) a county council the whole or any part of whose area is within the area of the authority, or

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

- (b) a district council whose area is within the area of the authority.

104B Associate members of a combined authority

- (1) A combined authority may appoint an individual to be a member (“an associate member”) of the combined authority.
- (2) The associate members of a combined authority are to be non-voting members of the authority.
- (3) This section is subject to regulations under section [104C\(4\)](#) (disapplication of this section).

104C Regulations about members

- (1) The Secretary of State may by regulations make provision about—
- (a) constituent members of a combined authority;
 - (b) the mayor for the area of a combined authority in the mayor’s capacity as a member of the authority;
 - (c) nominating bodies of a combined authority;
 - (d) non-constituent members of a combined authority;
 - (e) associate members of a combined authority.
- (2) The provision that may be made by regulations under subsection (1) includes, in particular, provision about—
- (a) the cases in which a decision of a combined authority requires a majority, or a particular kind of majority, of the votes of members of a particular kind;
 - (b) the process for the designation of a nominating body or the removal of such a designation;
 - (c) the number of nominating bodies that may be designated by a combined authority;
 - (d) the number of non-constituent members that may be appointed by a combined authority;
 - (e) the appointment, disqualification, resignation or removal of a non-constituent member;
 - (f) the appointment of a substitute member to act in place of a non-constituent member;
 - (g) the maximum number of non-constituent members of a combined authority;
 - (h) the making by a nominating body of a combined authority of payments towards the costs of the authority;
 - (i) the things which may or may not be done by, or in relation to, a non-constituent member;
 - (j) the appointment, disqualification, resignation or removal of an associate member;
 - (k) the appointment of a substitute member to act in place of an associate member;
 - (l) the maximum number of associate members of a combined authority;

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

- (m) the things which may or may not be done by, or in relation to, an associate member.
- (3) Regulations under subsection (1) may confer a discretion on a combined authority to determine any matter.
- (4) The Secretary of State may by regulations provide, in relation to a combined authority established by an order which came into force before the coming into force of this section—
 - (a) for the relevant provisions about membership not to apply in relation to the authority, or
 - (b) for the authority to determine whether the relevant provisions about membership are to apply in relation to the authority.
- (5) In subsection (4) “the relevant provisions about membership” means—
 - (a) the amendments to section 104 made by section 64(2) to (7) of the Levelling-up and Regeneration Act 2023, and
 - (b) sections 104A and 104B.
- (6) Regulations under subsection (1) or (4) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (7) In this section “constituent member”, in relation to a combined authority, means a member of the authority (other than any mayor for the area of the authority) appointed by—
 - (a) a county council the whole or any part of whose area is within the area of the authority, or
 - (b) a district council whose area is within the area of the authority.”
- (9) In section 105 (constitution of combined authority), after subsection (3) insert—

“(3ZA) But section 92, in its application to a combined authority by virtue of subsection (3), is subject to regulations under section 104C(1) (combined authority membership).”
- (10) In section 107C (deputy mayors etc), after subsection (6) insert—

“(6A) References in this section to a member of a combined authority do not include a non-constituent or associate member.”
- (11) In section 107D (functions of mayors: general)—
 - (a) after subsection (3) insert—

“(3A) The reference in subsection (3)(b) to a member of a combined authority does not include a non-constituent or associate member.”,

and
 - (b) after subsection (4) insert—

“(4A) An order under subsection (3)(c) must provide that the committee must not consist solely of non-constituent or associate members.”
- (12) In section 107G (mayors for combined authority areas: financial provision), after subsection (6) insert—

“(6A) The reference in subsection (6)(b)(i) to a member of a combined authority does not include a non-constituent or associate member.”

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

- (13) In section 120 (interpretation), at the appropriate places insert—
- ““associate member” has the meaning given by section 104B(1);”;
 - ““nominating body” means a body designated under section 104A(1);”, and
 - ““non-constituent member” has the meaning given by section 104A(3);”.

Commencement Information

I7 S. 64 in force at 26.12.2023, see s. 255(2)(h)

65 Proposal for establishment of combined authority

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (8).
- (2) Omit sections 108 (review by authorities: new combined authority) and 109 (preparation and publication of scheme: new combined authority).
- (3) Before section 110 insert—

“109A Proposal for new combined authority

- (1) One or more authorities to which this section applies may—
 - (a) prepare a proposal for the establishment of a combined authority for an area, and
 - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
 - (a) a county council the whole or any part of whose area is within the proposed area;
 - (b) a district council whose area is within the proposed area;
 - (c) an EPB the whole or any part of whose area is within the proposed area;
 - (d) an ITA the whole or any part of whose area is within the proposed area;
 - (e) a combined county authority the whole or any part of whose area is within the proposed area.
- (3) In this section—
 - “combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - “the proposed area” means the area for which the combined authority is proposed to be established.
- (4) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
 - (a) carry out a public consultation across the proposed area on the proposal, and
 - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.

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

- (5) The requirements in subsection (4) may be satisfied by things done before the coming into force of this section.
- (6) If a proposal under this section is not submitted by all of the authorities to which this section applies, each authority which does not submit the proposal must consent to its submission to the Secretary of State.
- (7) A proposal under this section must specify the purposes to be achieved by the establishment of the combined authority.
- (8) The Secretary of State may by regulations—
- (a) make further provision about the matters which must be addressed by a proposal under this section;
 - (b) make provision about material which must be included in or submitted with a proposal under this section.
- (9) Regulations under subsection (8) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
- (4) Section 110 (requirements in connection with establishment of combined authority) is amended in accordance with subsections (5) to (8).
- (5) In subsection (1), for paragraph (a) substitute—
- “(a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
 - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
 - (ab) where a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State considers that its establishment will achieve the purposes specified under subsection (7) of that section.”
- (6) For subsection (1A) substitute—
- “(1A) If a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State must have regard to the proposal in making the order.”
- (7) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—
- “(a) a proposal has been prepared under section 109A,
 - (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and”.
- (8) Omit subsection (4).
- (9) This section does not affect—
- (a) the operation of section 108 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or

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

- (b) the operation of section 109 of that Act in relation to the preparation and publication of a scheme following such a review.
- (10) The amendments made by subsections (5) to (8) do not apply to section 110 of that Act as it has effect in relation to—
- (a) the making of an order in response to a scheme under section 109 of that Act, or
 - (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.

Commencement Information

I8 S. 65 in force at 26.12.2023, see s. 255(2)(h)

66 Proposal for changes to existing combined arrangements

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (9).
- (2) Omit sections 111 (review by authorities: existing combined authority) and 112 (preparation and publication of scheme: existing combined authority).
- (3) Before section 113 insert—

“112A Proposal for changes to existing combined arrangements

- (1) One or more authorities to which this section applies may—
 - (a) prepare a proposal for the making of an order under section 104, 105, 105A, 106, 107, 107A, 107D or 107F in relation to an existing combined authority, and
 - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
 - (a) the combined authority;
 - (b) a county council the whole or any part of whose area is within the area of the combined authority;
 - (c) a district council whose area is within the area of the combined authority;
 - (d) in the case of a proposal for the making of an order under section 106 to add all or part of the area of a county council to the area of the combined authority, that county council;
 - (e) in the case of a proposal for the making of an order under section 106 to add the area of a district council to the area of the combined authority, that district council.
- (3) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
 - (a) carry out a public consultation across—
 - (i) the area of the combined authority, and

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

- (ii) in the case of a proposal for the making of an order under section 106 to add a local government area to the area of the combined authority, that local government area, and
 - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (4) The requirements in subsection (3) may be satisfied by things done before the coming into force of this section.
 - (5) Before a proposal under this section for the making of an order is submitted to the Secretary of State, each person who would have to consent to the making of the order must consent to the submission of the proposal.
 - (6) If a proposal under this section is submitted to the Secretary of State by an authority, the authority is to be treated as having consented to its submission for the purposes of subsection (5).
 - (7) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 105A, subsections (3) and (4) of section 105B (limited consent requirements) are to be disregarded.
 - (8) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 107A, section 107B(3)(b) (limited consent requirements) is to be disregarded.
 - (9) A proposal under this section must specify the purposes to be achieved by the order which it proposes should be made.
 - (10) The Secretary of State may by regulations—
 - (a) make further provision about the matters which must be addressed by a proposal under this section;
 - (b) make provision about material which must be included in or submitted with a proposal under this section.
 - (11) Regulations under subsection (10) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
 - (4) Section 113 (requirements in connection with changes to existing combined arrangements) is amended in accordance with subsections (5) to (9).
 - (5) In subsection (1), for “106 or 107” substitute “105A, 106, 107, 107A, 107D or 107F”.
 - (6) In subsection (1), for paragraph (a) (and the “and” at the end of that paragraph) substitute—
 - “(a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
 - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
 - (ab) where a proposal for the making of the order has been submitted under section 112A, the Secretary of State considers that making the order will achieve the purposes specified under subsection (9) of that section, and”.

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

(7) For subsection (1A) substitute—

“(1A) If a proposal for the making of the order has been submitted under section 112A, the Secretary of State must have regard to the proposal in making the order.”

(8) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—

- “(a) a proposal has been prepared under section 112A,
- (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and”.

(9) Omit subsection (3).

(10) This section does not affect—

- (a) the operation of section 111 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or
- (b) the operation of section 112 of that Act in relation to the preparation and publication of a scheme following such a review.

(11) The amendments made by subsections (5) to (9) do not apply to section 113 of that Act as it has effect in relation to—

- (a) the making of an order in response to a scheme under section 112 of that Act, or
- (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.

(12) The requirement to consult under section 113(2) of the Local Democracy, Economic Development and Construction Act 2009, as amended by this section, may be satisfied by consultation before (as well as after) the passing of this Act.

Commencement Information

I9 S. 66 in force at Royal Assent, see [s. 255\(2\)\(i\)](#)

67 Consequential amendments relating to section 65 and 66

(1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

(2) In section 105B (section 105A orders: procedure)—

- (a) in subsection (1)—
 - (i) in paragraph (a), for “by the appropriate authorities,” substitute “—
 - (i) as part of a proposal under section 109A, or
 - (ii) in accordance with section 112A,” and
 - (ii) in paragraph (b), for the words from “the exercise” to the end of the paragraph substitute “the economic, social and environmental well-being of some or all of the people who live or work in the area or areas to which the order relates”, and

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

- (b) omit subsection (11).
- (3) In section 107B (requirements in connection with orders under section 107A)—
 - (a) in subsection (1), for “by the appropriate authorities,” substitute “—
 - (a) as part of a proposal under section 109A, or
 - (b) in accordance with section 112A,” and
 - (b) omit subsection (2).
- (4) The amendments made by this section do not affect the operation of section 105B or 107B of the Local Democracy, Economic Development and Construction Act 2009 in relation to a proposal under that section made before the coming into force of this section.

Commencement Information

I10 S. 67 in force at 26.12.2023, see s. 255(2)(j)

68 Regulations applying to combined authorities

- (1) Section 117 of the Local Democracy, Economic Development and Construction Act 2009 (orders under Part 6) is amended as follows.
- (2) In the heading, after “Orders” insert “and regulations”.
- (3) In subsection (1), after “Orders” insert “and regulations”.
- (4) In subsection (1A), after “An order” insert “or regulations”.
- (5) After subsection (3) insert—
 - “(3A) A statutory instrument that contains (whether alone or with any other provisions) regulations under section 104C(1), 104C(4), or 107K(1) may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
 - (3B) A statutory instrument that—
 - (a) contains regulations under section 109A(8) or 112A(10), and
 - (b) is not by virtue of subsection (3A) subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
 is subject to annulment by resolution of either House of Parliament.”
- (6) In subsection (4), after “Part” insert “or of regulations under section 104C(1) or (4)”.

Commencement Information

I11 S. 68 in force at 26.12.2023, see s. 255(2)(j)

69 Combined authorities and combined county authorities: power to borrow

In section 23 of the Local Government Act 2003 (meaning of “local authority” for the purposes of Part 1), after subsection (10) insert—

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

“(10A) If a draft of a statutory instrument containing regulations under subsection (5) or (8A) 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 such an instrument.”

Commencement Information

I12 S. 69 in force at 26.12.2023, see s. 255(2)(j)

70 Payment of allowances to committee members

(1) In Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 (combined authorities: overview and scrutiny committees and audit committees)—

(a) in paragraph 3(2) (power by order to make further provision about overview and scrutiny committees), after paragraph (a) insert—

“(aa) about the payment of allowances to members of such a committee who are members of a constituent council;”, and

(b) in paragraph 4(3) (power by order to make further provision about audit committees), after paragraph (b) insert—

“(c) the payment of allowances to members of the committee who are members of a constituent council (within the meaning of paragraph 3).”

(2) In Schedule 5C to that Act (mayors for combined authority areas: police and crime commissioner functions), after paragraph 5 insert—

“5A The Secretary of State may by order make provision about the payment of allowances to members of a police and crime panel established by virtue of an order under paragraph 4 who are members of a constituent council (within the meaning of paragraph 3 of Schedule 5A).”

Commencement Information

I13 S. 70 in force at 26.12.2023, see s. 255(2)(j)

Changes to legislation:

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