



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 2

OTHER PROVISION

Combined authorities

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—
 - “(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

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- (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
 - (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—

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

Commencement Information

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

Changes to legislation:

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