



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2

#### LOCAL DEMOCRACY AND DEVOLUTION

### CHAPTER 2

#### OTHER PROVISION

#### *Combined authorities*

#### **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—
  - “(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.

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*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 61. (See end of Document for details)*

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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**

**II** 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, Section 61.