

LORDS AMENDMENTS TO THE
LOCALISM BILL

[The page and line references are to HL Bill 71, the bill as first printed for the Lords.]

Clause 9

- 1 Page 15, line 30, leave out “5C(7)” and insert “5C(7)(b)”
- 2 Page 16, line 13, leave out “5C(7)” and insert “5C(7)(b)”

Clause 10

- 3 Page 18, line 17, at end insert –
 - “(5A) Subject to subsection (5B), section 18A(1) does not authorise charging for action taken under section 6.
 - (5B) Subsection (5A) does not prevent charging for the giving of advice, other than advice of the kind mentioned in section 6(2)(b), in relation to premises where a trade, business or other undertaking is carried on (whether for profit or not).”

After Clause 10

- 4 Insert the following new Clause –

“CHAPTER 2A

OTHER AUTHORITIES

Integrated Transport Authorities

In Part 5 of the Local Transport Act 2008 (integrated transport authorities etc) after section 102A insert –

“CHAPTER 4

GENERAL POWERS

102B Powers of Integrated Transport Authorities

- (1) An ITA may do—
 - (a) anything the ITA considers appropriate for the purposes of the carrying-out of any of the ITA’s functions (the ITA’s “functional purposes”),
 - (b) anything the ITA considers appropriate for purposes incidental to the ITA’s functional purposes,
 - (c) anything the ITA considers appropriate for purposes indirectly incidental to the ITA’s functional purposes through any number of removes,
 - (d) anything the ITA considers to be connected with—
 - (i) any of the ITA’s functions, or
 - (ii) anything the ITA may do under paragraph (a), (b) or (c), and
 - (e) for a commercial purpose anything which the ITA may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an ITA to do something, it confers power (subject to section 102C) to do it anywhere in the United Kingdom or elsewhere.
- (3) An ITA’s power under subsection (1) is in addition to, and is not limited by, the other powers of the ITA.
- (4) Subsection (5) applies if there is, in relation to an ITA—
 - (a) a Passenger Transport Executive established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
 - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).
- (5) The ITA may delegate to the Executive or body the ITA’s function of taking action under subsection (1) (but not the function of determining what action to take).

102C Boundaries of power under section 102B

- (1) Section 102B(1) does not enable an ITA to do—
 - (a) anything which the ITA is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the ITA is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the ITA’s power under section 102B(1),
 - (ii) to all of the ITA’s powers, or
 - (iii) to all of the ITA’s powers but with exceptions that do not include the ITA’s power under section 102B(1).
- (2) If exercise of a pre-commencement power of an ITA is subject to restrictions, those restrictions apply also to exercise of the power

conferred on the ITA by section 102B(1) so far as it is overlapped by the pre-commencement power.

- (3) Section 102B(1) does not authorise an ITA to borrow money.
- (4) Section 102B(1)(a) to (d) do not authorise an ITA to charge a person for anything done by the ITA otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of ITAs and other best value authorities to charge for discretionary services)).
- (5) Section 102B(1)(e) does not authorise an ITA to do things for a commercial purpose in relation to a person if a statutory provision requires the ITA to do those things in relation to the person.
- (6) Where under section 102B(1)(e) an ITA does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.

- (7) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*Integrated Transport Authorities*) of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Integrated Transport Authorities*) of that Act;

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Integrated Transport Authorities*) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

102D Power to make provision supplemental to section 102B

- (1) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing under section 102B(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order made by statutory instrument provide for the exercise by ITAs of power conferred by section 102B(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
 - (a) all ITAs,
 - (b) particular ITAs, or
 - (c) particular descriptions of ITAs.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.
- (6) Power to make an order under this section includes—
 - (a) power to make different provision for different cases, circumstances or areas, and
 - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) The Secretary of State may not make an order to which subsection (8) applies unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (8) This subsection applies to—
 - (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
 - (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.
- (9) A statutory instrument that—
 - (a) contains an order made under this section, and

(b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
is subject to annulment in pursuance of a resolution of either House of Parliament.””

5 Insert the following new Clause –

“Passenger Transport Executives

(1) In Part 2 of the Transport Act 1968 (integrated transport authorities etc) after section 10 insert –

“10A Further powers of Executives

- (1) The Executive of an integrated transport area in England may do –
- (a) anything the Executive considers appropriate for the purposes of the carrying-out of any of the Executive’s functions (the Executive’s “functional purposes”),
 - (b) anything the Executive considers appropriate for purposes incidental to the Executive’s functional purposes,
 - (c) anything the Executive considers appropriate for purposes indirectly incidental to the Executive’s functional purposes through any number of removes,
 - (d) anything the Executive considers to be connected with –
 - (i) any of the Executive’s functions, or
 - (ii) anything the Executive may do under paragraph (a), (b) or (c), and
 - (e) for a commercial purpose anything which the Executive may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on the Executive to do something, it confers power (subject to section 10B) to do it anywhere in the United Kingdom or elsewhere.
- (3) The Executive’s power under subsection (1) is in addition to, and is not limited by, the other powers of the Executive.

10B Boundaries of power under section 10A

- (1) Section 10A(1) does not enable the Executive to do –
- (a) anything which the Executive is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the Executive is unable to do by virtue of a post-commencement limitation which is expressed to apply –
 - (i) to the Executive’s power under section 10A(1),
 - (ii) to all of the Executive’s powers, or
 - (iii) to all of the Executive’s powers but with exceptions that do not include the Executive’s power under section 10A(1).
- (2) If exercise of a pre-commencement power of the Executive is subject to restrictions, those restrictions apply also to exercise of the power

conferred on the Executive by section 10A(1) so far as it is overlapped by the pre-commencement power.

- (3) Section 10A(1) does not authorise the Executive to borrow money.
- (4) Section 10A(1)(a) to (d) do not authorise the Executive to charge a person for anything done by the Executive otherwise than for a commercial purpose, but this does not limit any power to charge that the Executive has otherwise than under section 10A(1)(a) to (d).
- (5) Section 10A(1)(e) does not authorise the Executive to do things for a commercial purpose in relation to a person if a statutory provision requires the Executive to do those things in relation to the person.
- (6) Where under section 10A(1)(e) the Executive does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*Passenger Transport Executives*)(1) of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Passenger Transport Executives*)(1) of that Act;

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Passenger Transport Executives*)(1) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

10C Power to make provision supplemental to section 10A

- (1) The Secretary of State may by order make provision preventing the Executive from doing under section 10A(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order provide for the exercise by the Executive of power conferred by section 10A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
 - (a) all Executives,
 - (b) particular Executives, or
 - (c) particular descriptions of Executives.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of Executives,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular Executive or to Executives of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular Executive or to Executives of a particular description.
- (6) Power to make an order under this section includes—
 - (a) power to make different provision for different cases, circumstances or areas, and
 - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) A statutory instrument containing an order to which subsection (8) applies (whether alone or with other provisions) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) This subsection applies to—
 - (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
 - (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.
- (9) A statutory instrument that—
 - (a) contains an order made under this section, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

is subject to annulment in pursuance of a resolution of either House of Parliament.”

- (2) In section 10(1) of the Transport Act 1968 (powers of a Passenger Transport Executive) –
 - (a) in paragraph (xxvii) (power to invest sums not immediately needed) for “any sums which are not immediately required by them for the purposes of their business” substitute “their money”, and
 - (b) in paragraph (xxviii) (power to turn unneeded resources to account) omit “so far as not required for the purposes of their business”.
- (3) In section 22 of the Transport Act 1968 (orders under Part 2 of that Act to be subject to annulment) after subsection (2) insert –

“(2A) Subsections (1) and (2) of this section do not apply in relation to orders under section 10C of this Act (but see subsections (7) to (9) of that section).”
- (4) In section 93(9) of the Local Government Act 2003 (authorities with power under section 93 to charge for discretionary services) before paragraph (b) insert –

“(ab) the Passenger Transport Executive of an integrated transport area in England;”.
- (5) In section 95(7) of the Local Government Act 2003 (power to authorise certain authorities to do for commercial purposes things that they can do for non-commercial purposes) in the definition of “relevant authority” before paragraph (b) insert –

“(ab) the Passenger Transport Executive of an integrated transport area in England;”.

6 Insert the following new Clause –

“Economic prosperity boards and combined authorities

- (1) In Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (economic prosperity boards and combined authorities) after section 113 insert –

“General powers of EPBs and combined authorities

113A General power of EPB or combined authority

- (1) An EPB or combined authority may do –
 - (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental to its functional purposes,
 - (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,
 - (d) anything it considers to be connected with –
 - (i) any of its functions, or

- (ii) anything it may do under paragraph (a), (b) or (c), and
- (e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an EPB or combined authority to do something, it confers power (subject to section 113B) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an EPB or combined authority by subsection (1) is in addition to, and is not limited by, its other powers.

113B Boundaries of power under section 113A

- (1) Section 113A(1) does not enable an EPB or combined authority to do—
 - (a) anything which it is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to its power under section 113A(1),
 - (ii) to all of its powers, or
 - (iii) to all of its powers but with exceptions that do not include its power under section 113A(1).
- (2) If exercise of a pre-commencement power of an EPB or combined authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 113A(1) so far as that power is overlapped by the pre-commencement power.
- (3) Section 113A(1) does not authorise an EPB or combined authority to borrow money.
- (4) Section 113A(1)(a) to (d) do not authorise an EPB or combined authority to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of EPBs, combined authorities and other best value authorities to charge for discretionary services)).
- (5) Section 113A(1)(e) does not authorise an EPB or combined authority to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to the person.
- (6) Where under section 113A(1)(e) an EPB or combined authority does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
 - “post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*Economic prosperity boards and combined authorities*)(1) of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that –

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Economic prosperity boards and combined authorities*)(1) of that Act;

“pre-commencement power” means power conferred by a statutory provision that –

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Economic prosperity boards and combined authorities*)(1) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

113C Power to make provision supplemental to section 113A

- (1) The Secretary of State may by order make provision preventing EPBs or combined authorities from doing under section 113A(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order provide for the exercise by EPBs or combined authorities of power conferred by section 113A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to –
 - (a) all EPBs,
 - (b) all combined authorities,
 - (c) particular EPBs,
 - (d) particular combined authorities,
 - (e) particular descriptions of EPBs, or
 - (f) particular descriptions of combined authorities.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult –
 - (a) such representatives of EPBs or combined authorities,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),

as the Secretary of State considers appropriate.

- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order –
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular EPB or combined authority or to EPBs or combined authorities of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular EPB or combined authority or to EPBs or combined authorities of a particular description.
- (6) Power to make an order under this section includes –
 - (a) power to make different provision for different cases, circumstances or areas, and
 - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.”
- (2) For section 117(2) and (3) of the Local Democracy, Economic Development and Construction Act 2009 (affirmative procedure applies to orders under Part 6 other than certain orders under section 116) substitute –
 - “(2) An order to which subsection (2A) applies may not be made unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
 - (2A) This subsection applies to an order under this Part other than –
 - (a) an order under section 113C(1) that is made only for the purpose mentioned in section 113C(5)(b),
 - (b) an order under section 113C(2) that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose, or
 - (c) an order under section 116 that amends or revokes provision contained in an instrument subject to annulment by resolution of either House of Parliament.
 - (3) A statutory instrument that –
 - (a) contains an order under this Part, and
 - (b) is not subject to any 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.””

7 Insert the following new Clause –

“Further amendments

- (1) In section 146A of the Local Government Act 1972 (application of provisions to certain joint and other authorities) –
 - (a) in subsection (1) for “or (1A)” substitute “, (1ZD) or (1ZE)”, and
 - (b) after subsection (1ZC) (which is inserted by section 9 of this Act) insert –

- “(1ZD) An Integrated Transport Authority is not to be treated as a local authority for the purposes of section 111 above (but see section 102B of the Local Transport Act 2008).
- (1ZE) Neither an economic prosperity board, nor a combined authority, is to be treated as a local authority for the purposes of section 111 above (but see section 113A of the Local Democracy, Economic Development and Construction Act 2009).”
- (2) In section 93(7) of the Local Government Act 2003 (provisions that do not count as prohibitions on charging for the purposes of section 93(2)(b)) after paragraph (c) insert –
- “(d) section 100(2) of the Local Transport Act 2008 (well-being powers of Integrated Transport Authorities and combined authorities),
- (e) section 102C(4) of that Act (Integrated Transport Authorities),
- (f) section 10B(4) of the Transport Act 1968 (Passenger Transport Executives), and
- (g) section 113B(4) of the Local Democracy, Economic Development and Construction Act 2009 (economic prosperity boards and combined authorities).”

8 Insert the following new Clause –

“CHAPTER 2B

TRANSFER AND DELEGATION OF FUNCTIONS TO CERTAIN AUTHORITIES

Power to transfer local public functions to permitted authorities

- (1) The Secretary of State may by order make provision –
- (a) transferring a local public function from the public authority whose function it is to a permitted authority;
- (b) about the discharge of local public functions that are transferred to permitted authorities under this section (including provision enabling the discharge of those functions to be delegated).
- (2) An order under this section may modify any enactment (whenever passed or made) for the purpose of making the provision mentioned in subsection (1).
- (3) The power to modify an enactment in subsection (2) is a power –
- (a) to apply that enactment with or without modifications,
- (b) to extend, disapply or amend that enactment, or
- (c) to repeal or revoke that enactment with or without savings.
- (4) An order under this section may disapply, or modify the application of, Chapter 4 of Part 1A of the Local Government Act 2000 (changing local authority governance arrangements) in relation to a county council or district council to which the order transfers a local public function.
- (5) The Secretary of State may not make an order under this section unless the Secretary of State considers that it is likely that making the order would –
- (a) promote economic development or wealth creation, or

- (b) increase local accountability in relation to each local public function transferred by the order.
- (6) For the purposes of subsection (5)(b), in relation to a local public function, local accountability is increased if the exercise of the function becomes more accountable to persons living or working in the area of the permitted authority to which it is transferred.
- (7) The Secretary of State may not make an order under this section unless the Secretary of State considers that the local public function transferred by the order can appropriately be exercised by the permitted authority to which it is transferred.
- (8) The Secretary of State may not make an order under this section transferring a local public function to a permitted authority unless the authority has consented to the transfer.
- (9) Before making an order under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

9 Insert the following new Clause –

“Delegation of functions by Ministers to permitted authorities

- (1) A Minister of the Crown may, to such extent and subject to such conditions as that Minister thinks fit, delegate to a permitted authority any of the Minister’s eligible functions.
- (2) A function is eligible for the purposes of subsection (1) if –
 - (a) it does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
 - (b) the Minister of the Crown considers that it can appropriately be exercised by the permitted authority.
- (3) No delegation under subsection (1), and no variation of a delegation under that subsection, may be made without the agreement of the permitted authority.
- (4) Before delegating a function under subsection (1), the Minister of the Crown must consult such persons as the Minister considers appropriate.
- (5) A delegation under subsection (1) may be revoked at any time by any Minister of the Crown.”

10 Insert the following new Clause –

“Transfer schemes

- (1) The Secretary of State may make a scheme for the transfer of property, rights or liabilities from the person who, or body which, would have a local public function but for an order under section (*Power to transfer local public functions to permitted authorities*) to the permitted authority to which the function is transferred.
- (2) A Minister of the Crown may make a scheme for the transfer from the Crown to a permitted authority of such property, rights or liabilities as the Minister of the Crown considers appropriate in consequence of a delegation, or the variation of a delegation, under section (*Delegation of*

functions by Ministers to permitted authorities) of a function of any Minister of the Crown to the permitted authority.

- (3) A Minister of the Crown may make a scheme for the transfer from a permitted authority to the Crown of such property, rights or liabilities as the Minister of the Crown considers appropriate in consequence of a variation or revocation of a delegation under section (*Delegation of functions by Ministers to permitted authorities*) of a function of any Minister of the Crown to the permitted authority.
- (4) The things that may be transferred under a transfer scheme include –
 - (a) property, rights or liabilities that could not otherwise be transferred;
 - (b) property acquired, or rights or liabilities arising, after the making of the order.
- (5) A transfer scheme may make consequential, supplementary, incidental and transitional provision and may in particular make provision –
 - (a) for a certificate issued by a Minister of the Crown to be conclusive evidence that property has been transferred;
 - (b) creating rights, or imposing liabilities, in relation to property or rights transferred;
 - (c) about the continuing effect of things done by or in relation to the transferor in respect of anything transferred;
 - (d) about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred;
 - (e) for references to the transferor in an instrument or other document relating to anything transferred to be treated as references to the transferee;
 - (f) for the shared ownership or use of property;
 - (g) that has the same or similar effect as the TUPE regulations (so far as those regulations do not apply in relation to the transfer).
- (6) A transfer scheme may provide –
 - (a) for modification by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (7) For the purposes of this section –
 - (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual’s employment in the civil service are to be regarded as constituting the terms of the contract of employment.
- (8) In this section –
 - “civil service” means the civil service of the State;
 - “transferee”, in relation to a transfer scheme, means the person to whom property, rights or liabilities are transferred by the scheme;
 - “transferor”, in relation to a transfer scheme, means the person from whom property, rights or liabilities are transferred by the scheme;
 - “transfer scheme” means a scheme for the transfer of property, rights or liabilities under subsection (1), (2) or (3);

“TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246);
references to rights and liabilities include rights and liabilities relating to a contract of employment;
references to the transfer of property include the grant of a lease.”

11 Insert the following new Clause –

“Duty to consider proposals for exercise of powers under sections (Power to transfer local public functions to permitted authorities) and (Transfer schemes)

- (1) If the Secretary of State receives a relevant proposal from a permitted authority, the Secretary of State must –
 - (a) consider the proposal, and
 - (b) notify the permitted authority of what action, if any, the Secretary of State will take in relation to the proposal.
- (2) The Secretary of State may by regulations specify criteria to which the Secretary of State must have regard in considering a relevant proposal.
- (3) For the purposes of this section, a “relevant proposal” is a proposal –
 - (a) for the exercise of the Secretary of State’s powers in sections (*Power to transfer local public functions to permitted authorities*) and (*Transfer schemes*) in relation to the permitted authority, and
 - (b) that is accompanied by such information and evidence as the Secretary of State may specify by regulations.
- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

12 Insert the following new Clause –

“Orders under section (Power to transfer local public functions to permitted authorities): procedure

- (1) Before making an order under section (*Power to transfer local public functions to permitted authorities*), the Secretary of State must lay a draft of the instrument containing the order (the “draft order”) before each House of Parliament.
- (2) The Secretary of State must have regard to –
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,made during the 60-day period with regard to the draft order.
- (3) If, after the expiry of the 60-day period, the Secretary of State wishes to make an order in the terms of the draft order, the Secretary of State must lay before Parliament a statement –
 - (a) stating whether any representations were made under subsection (2)(a), and
 - (b) if any representations were so made, giving details of them.

- (4) The Secretary of State may after the laying of such a statement make an order in the terms of the draft order if it is approved by a resolution of each House of Parliament.
- (5) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of the statement under subsection (3) and before the draft order is approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (6) Where a recommendation is made by a committee of either House under subsection (5) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (4) unless the recommendation is, in the same Session, rejected by a resolution of that House.
- (7) If, after the expiry of the 60-day period, the Secretary of State wishes to make an order consisting of a version of the draft order with material changes, the Secretary of State must lay before Parliament –
 - (a) a revised draft order, and
 - (b) a statement giving details of –
 - (i) any representations made under subsection (2)(a), and
 - (ii) the revisions proposed.
- (8) The Secretary of State may after laying a revised draft order and statement under subsection (7) make an order in the terms of the revised draft order if it is approved by a resolution of each House of Parliament.
- (9) However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under subsection (7) and before it is approved by that House under subsection (8), recommend under this subsection that no further proceedings be taken in relation to the revised draft order.
- (10) Where a recommendation is made by a committee of either House under subsection (9) in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (11) For the purposes of subsections (4) and (8) an order is made in the terms of a draft order if it contains no material changes to the provisions of the draft order.
- (12) If a draft of an instrument containing an order under section (*Power to transfer local public functions to permitted authorities*) 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.
- (13) In this section, the “60-day period” means the period of 60 days beginning with the day on which the draft order was laid before Parliament.
- (14) In calculating the period mentioned in subsection (13), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.”

“Interpretation of Chapter

In this Chapter –

“enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“local public function”, in relation to a permitted authority, means a public function in so far as it relates to –

- (a) the permitted authority’s area, or
- (b) persons living, working or carrying on activities in that area;

“permitted authority” means –

- (a) a county council in England,
- (b) a district council,
- (c) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, or
- (d) a combined authority established under section 103 of that Act;

“public authority” includes a Minister of the Crown or a government department;

“public function” means a function of a public authority that does not consist of a power to make regulations or other instruments of a legislative character.”

After Clause 13

14 Insert the following new Clause –

“Timetables for changing English district councils’ electoral schemes

- (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- (2) Omit the following provisions (which provide that councils may pass resolutions to change their electoral schemes only in certain permitted periods) –
 - (a) section 33(4), (6) and (7) (district councils changing to whole-council elections),
 - (b) section 38(4), (6) and (7) (non-metropolitan district councils reverting to elections by halves), and
 - (c) section 40(4), (6) and (7) (district councils reverting to elections by thirds).
- (3) In section 33 (resolution for whole-council elections: requirements) after subsection (3) insert –
 - “(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.
 - (3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here “county-

council-elections year” means 2013 and every fourth year afterwards.”

- (4) In section 34(2) (years in which whole-council elections to a district council are to be held if scheme under section 34 applies) for paragraphs (a) and (b) substitute –
- “(a) the year specified under section 33(3A) in the resolution, and
 - (b) every fourth year afterwards.”
- (5) In section 34 (scheme for whole-council elections) after subsection (4) insert –
- “(4A) Ordinary elections of councillors of the council under the previous electoral scheme are to be held in accordance with that scheme in any year that –
- (a) is earlier than the year specified under section 33(3A) in the resolution for whole-council elections, and
 - (b) is a year in which, under the previous electoral scheme, ordinary elections of councillors of the council are due to be held.
- (4B) In subsection (4A) “the previous electoral scheme” means the scheme for the ordinary elections of councillors of the council that applied to it immediately before it passed the resolution for whole-council elections.”
- (6) After section 31 insert –
- “31A Minimum period between resolutions to change electoral schemes**
- If a council passes a resolution under section 32, 37 or 39 (“the earlier resolution”) it may not pass another resolution under any of those sections before the end of five years beginning with the day on which the earlier resolution is passed.”
- (7) In section 57 of the Local Democracy, Economic Development and Construction Act 2009 (requests for review of single-member electoral areas by councils subject to a scheme for whole-council elections) after subsection (4) (meaning of “subject to a scheme for whole-council elections”) insert –
- “(4A) A district council is also “subject to a scheme for whole-council elections” for those purposes if –
- (a) section 34 of the Local Government and Public Involvement in Health Act 2007 (scheme for whole-council elections) applies to the council, but
 - (b) by virtue of subsection (4A) of that section (temporary continuation of previous electoral scheme), not all the members of the council are to be elected in a year in which ordinary elections of members of the council are to be held.””

Clause 16

“(1A) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

(1B) A relevant authority that is a parish council –

- (a) may comply with subsection (1A) by adopting the code adopted under that subsection by its principal authority, where relevant on the basis that references in that code to its principal authority’s register are to its register, and
- (b) may for that purpose assume that its principal authority has complied with section 17(1) and (1A).”

16 Page 22, line 8, leave out “The reference in subsection (2)” and insert “A reference in this Chapter”

17 Page 22, line 44, after “by” insert “the Mayor of London and”

18 Page 22, line 44, after “acting” insert “jointly”

19 Page 22, line 45, at end insert –

“(8) In this Chapter except section (*Delegation of functions by Greater London Authority*) –

- (a) a reference to a committee or sub-committee of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to –
 - (i) a committee or sub-committee of the London Assembly, or
 - (ii) the standards committee, or a sub-committee of that committee, established under that section,
- (b) a reference to a joint committee on which a relevant authority is represented is, where the relevant authority is the Greater London Authority, a reference to a joint committee on which the Authority, the London Assembly or the Mayor of London is represented,
- (c) a reference to becoming a member of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to becoming the Mayor of London or a member of the London Assembly, and
- (d) a reference to a meeting of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to a meeting of the London Assembly;

and in subsection (2)(b) the reference to representing the relevant authority is, where the relevant authority is the Greater London Authority, a reference to representing the Authority, the London Assembly or the Mayor of London.”

Clause 17

20 Page 23, line 2, leave out subsection (1) and insert –

“(1) A relevant authority must secure that a code adopted by it under section 16(1A) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles –

- (a) selflessness;
- (b) integrity;
- (c) objectivity;

- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

- (1A) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of –
- (a) pecuniary interests, and
 - (b) interests other than pecuniary interests.
- (1B) Sections 18 to 19 do not limit what may be included in a relevant authority’s code of conduct, but nothing in a relevant authority’s code of conduct prejudices the operation of those sections.
- (1C) A failure to comply with a relevant authority’s code of conduct is not be dealt with otherwise than in accordance with arrangements made under subsection (3); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.”

21 Page 23, line 6, at end insert “or”

22 Page 23, line 7, leave out from second “conduct” to end of line 8

23 Page 23, line 9, leave out subsection (3) and insert –

- “(3) A relevant authority other than a parish council must have in place –
- (a) arrangements under which allegations can be investigated, and
 - (b) arrangements under which decisions on allegations can be made.
- (3A) Arrangements put in place under subsection (3)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person –
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - (b) whose views may be sought –
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
 - (ii) by a member, or co-opted member, of the authority if that person’s behaviour is the subject of an allegation, and
 - (iii) by a member, or co-opted member, of a parish council if that person’s behaviour is the subject of an allegation and the authority is the parish council’s principal authority.
- (3B) For the purposes of subsection (3A) –
- (a) a person is not independent if the person is –
 - (i) a member, co-opted member or officer of the authority,
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
 - (iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);
 - (b) a person may not be appointed under the provision required by subsection (3A) if at any time during the 5 years ending with the appointment the person was –

- (i) a member, co-opted member or officer of the authority, or
- (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority;
- (c) a person may not be appointed under the provision required by subsection (3A) unless –
 - (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - (ii) the person has submitted an application to fill the vacancy to the authority, and
 - (iii) the person’s appointment has been approved by a majority of the members of the authority;
- (d) a person appointed under the provision required by subsection (3A) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (3C) In subsections (3) and (3A) “allegation”, in relation to a relevant authority, means a written allegation –
 - (a) that a member or co-opted member of the authority has failed to comply with the authority’s code of conduct, or
 - (b) that a member or co-opted member of a parish council for which the authority is the principal authority has failed to comply with the parish council’s code of conduct.
- (3D) For the purposes of subsection (3B) a person (“R”) is a relative of another person if R is –
 - (a) the other person’s spouse or civil partner,
 - (b) living with the other person as husband and wife or as if they were civil partners,
 - (c) a grandparent of the other person,
 - (d) a lineal descendant of a grandparent of the other person,
 - (e) a parent, sibling or child of a person within paragraph (a) or (b),
 - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
 - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.”

- 24 Page 23, line 17, leave out “this section)” and insert “arrangements put in place under subsection (3))”
- 25 Page 23, line 22, leave out “withdrawal” and insert “replacement”
- 26 Page 23, line 24, leave out “withdrawal” and insert “replacement”
- 27 Page 23, line 26, leave out “withdrawing a code of conduct under this section” and insert “replacing a code of conduct”
- 28 Page 23, line 33, leave out from “section” to end of line 34 and insert “(*Delegation of functions by the Greater London Authority*) (delegation of functions by the Greater London Authority)”

Clause 18

- 29 Leave out Clause 18 and insert the following new Clause –

“Register of interests

- (1) The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority.
- (2) Subject to the provisions of this Chapter, it is for a relevant authority to determine what is to be entered in the authority’s register.
- (3) Nothing in this Chapter requires an entry to be retained in a relevant authority’s register once the person concerned –
 - (a) no longer has the interest, or
 - (b) is (otherwise than transitorily on re-election or re-appointment) neither a member nor a co-opted member of the authority.
- (4) In the case of a relevant authority that is a parish council, references in this Chapter to the authority’s monitoring officer are to the monitoring officer of the parish council’s principal authority.
- (5) The monitoring officer of a relevant authority other than a parish council must secure –
 - (a) that a copy of the authority’s register is available for inspection at a place in the authority’s area at all reasonable hours, and
 - (b) that the register is published on the authority’s website.
- (6) The monitoring officer of a relevant authority that is a parish council must –
 - (a) secure that a copy of the parish council’s register is available for inspection at a place in the principal authority’s area at all reasonable hours,
 - (b) secure that the register is published on the principal authority’s website, and
 - (c) provide the parish council with any data it needs to comply with subsection (7).
- (7) A parish council must, if it has a website, secure that its register is published on its website.
- (8) Subsections (5) to (7) are subject to section (*Sensitive interests*)(2).
- (9) In this Chapter “principal authority”, in relation to a parish council, means –
 - (a) in the case of a parish council for an area in a district that has a district council, that district council,
 - (b) in the case of a parish council for an area in a London borough, the council of that London borough, and
 - (c) in the case of a parish council for any other area, the county council for the county that includes that area.
- (10) In this Chapter “register”, in relation to a relevant authority, means its register under subsection (1).”

After Clause 18

30 Insert the following new Clause –

“Disclosure of pecuniary interests on taking office

- (1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority’s monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
- (2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority’s register when the notification is given.
- (3) For the purposes of this Chapter, a pecuniary interest is a “disclosable pecuniary interest” in relation to a person (“M”) if it is of a description specified in regulations made by the Secretary of State and either –
 - (a) it is an interest of M’s, or
 - (b) it is an interest of –
 - (i) M’s spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,
 and M is aware that that other person has the interest.
- (4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority’s monitoring officer is to cause the interests notified to be entered in the authority’s register (whether or not they are disclosable pecuniary interests).”

31 Insert the following new Clause –

“Pecuniary interests in matters considered at meetings or by a single member

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority –
 - (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) is aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the authority’s register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section (*Sensitive interests*)(3).
- (3) If the interest is not entered in the authority’s register and is not the subject of a pending notification, the member or co-opted member must notify the authority’s monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) The member or co-opted member may not –
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting,
 but this is subject to section (*Dispensations from section (Pecuniary interests in matters considered at meetings or by a single member)*(4)).

- (5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.
- (6) Subsections (7) and (8) apply if—
 - (a) a function of a relevant authority may be discharged by a member of the authority acting alone,
 - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
 - (c) the member is aware that the condition in paragraph (b) is met.
- (7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.
- (8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).
- (10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.
- (11) For the purpose of this section, an interest is "subject to a pending notification" if—
 - (a) under this section or section (*Disclosure of pecuniary interests on taking office*), the interest has been notified to a relevant authority's monitoring officer, but
 - (b) has not been entered in the authority's register in consequence of that notification."

32 Insert the following new Clause—

“Sensitive interests

- (1) Subsections (2) and (3) apply where—
 - (a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and
 - (b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- (2) If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the

register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).

- (3) If section (*Pecuniary interests in matters considered at meetings or by a single member*)(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.”

33 Insert the following new Clause –

“Dispensations from section (*Pecuniary interests in matters considered at meetings or by a single member*)(4)

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section (*Pecuniary interests in matters considered at meetings or by a single member*)(4) in cases described in the dispensation.
- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority –
- (a) considers that without the dispensation the number of persons prohibited by section (*Pecuniary interests in matters considered at meetings or by a single member*)(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority’s area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority’s executive would be prohibited by section (*Pecuniary interests in matters considered at meetings or by a single member*)(4) from participating in any particular business to be transacted by the authority’s executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section (*Pecuniary interests in matters considered at meetings or by single member*)(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.”

Clause 19

34 Page 24, line 23, leave out from “person” to end of line 32 and insert “commits an offence if, without reasonable excuse, the person –

- (a) fails to comply with an obligation imposed on the person by section (*Disclosure of pecuniary interests on taking office*)(1) or (*Pecuniary interests in matters considered at meetings or by a single member*)(2), (3) or (7),
- (b) participates in any discussion or vote in contravention of section (*Pecuniary interests in matters considered at meetings or by a single member*)(4), or
- (c) takes any steps in contravention of section (*Pecuniary interests in matters considered at meetings or by a single member*)(8).

(1A) A person commits an offence if under section (*Disclosure of pecuniary interests on taking office*)(1) or (*Pecuniary interests in matters considered at meetings or by a single member*)(2), (3) or (7) the person provides information that is false or misleading and the person—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.”

35 Page 24, line 35, leave out from beginning to “by” and insert “A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person’s case)”

36 Page 25, line 6, at end insert—

- “(8) The Local Government Act 1972 is amended as follows.
- (9) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “2000” insert “or section 19 of the Localism Act 2011”.
- (10) In section 87(1)(ee) (date of casual vacancies)—
 - (a) after “2000” insert “or section 19 of the Localism Act 2011 or”, and
 - (b) after “decision” insert “or order”.
- (11) The Greater London Authority Act 1999 is amended as follows.
- (12) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—
 - “(ia) under section 19 of the Localism Act 2011,”.
- (13) In section 9(1)(f) (date of casual vacancies)—
 - (a) before “or by virtue of” insert “or section 19 of the Localism Act 2011”, and
 - (b) after “that Act” insert “of 1998 or that section”.”

After Clause 19

37 Insert the following new Clause—

“Delegation of functions by Greater London Authority

- (1) The Mayor of London and the London Assembly, acting jointly, may arrange for any of the functions conferred on them by or under this Chapter to be exercised on their behalf by—
 - (a) a member of staff of the Greater London Authority, or

- (b) a committee appointed in accordance with provision made by virtue of this section.
- (2) Standing orders of the Greater London Authority may make provision regulating the exercise of functions by any member of staff of the Authority pursuant to arrangements under subsection (1).
- (3) Standing orders of the Greater London Authority may make provision for the appointment of a committee (“the standards committee”) to exercise functions conferred on the Mayor of London and the London Assembly by or under this Chapter in accordance with arrangements under subsection (1).
- (4) Standing orders of the Greater London Authority may make provision about the membership and procedure of the standards committee.
- (5) The provision that may be made under subsection (4) includes –
 - (a) provision for the standards committee to arrange for the discharge of its functions by a sub-committee of that committee;
 - (b) provision about the membership and procedure of such a sub-committee.
- (6) Subject to subsection (7), the standards committee and any sub-committee of that committee –
 - (a) is not to be treated as a committee or (as the case may be) sub-committee of the London Assembly for the purposes of the Greater London Authority Act 1999, but
 - (b) is a committee or (as the case may be) sub-committee of the Greater London Authority for the purposes of Part 3 of the Local Government Act 1974 (investigations by Commission for Local Administration in England).
- (7) Sections 6(3)(a) (failure to attend meetings) and 73(6) (functions of monitoring officer) of the Greater London Authority Act 1999 apply to the standards committee or any sub-committee of that committee as they apply to a committee of the London Assembly or any sub-committee of such a committee.
- (8) Part 5A of the Local Government Act 1972 (access to meetings and documents) applies to the standards committee or any sub-committee of that committee as if –
 - (a) it were a committee or (as the case may be) a sub-committee of a principal council within the meaning of that Part, and
 - (b) the Greater London Authority were a principal council in relation to that committee or sub-committee.
- (9) Arrangements under this section for the exercise of any function by –
 - (a) a member of staff of the Greater London Authority, or
 - (b) the standards committee,do not prevent the Mayor of London and the London Assembly from exercising those functions.
- (10) References in this section to the functions of the Mayor of London and the London Assembly conferred by or under this Chapter do not include their functions under this section.

- (11) In this section “member of staff of the Greater London Authority” has the same meaning as in the Greater London Authority Act 1999 (see section 424(1) of that Act).”

Clause 22

- 38 Page 25, line 32, leave out “senior”
- 39 Page 25, line 34, leave out “senior”
- 40 Page 25, line 35, at end insert “,
 (b) the remuneration of its lowest-paid employees, and
 (c) the relationship between—
 (i) the remuneration of its chief officers, and
 (ii) the remuneration of its employees who are not chief officers.
- (2A) The statement must state—
 (a) the definition of “lowest-paid employees” adopted by the authority for the purposes of the statement, and
 (b) the authority’s reasons for adopting that definition.”
- 41 Page 26, line 5, leave out “senior”

Clause 23

- 42 Page 26, line 9, leave out “senior”
- 43 Page 26, line 15, leave out “senior”
- 44 Page 26, line 17, leave out “senior”

Clause 25

- 45 Page 26, line 34, leave out “senior”
- 46 Page 27, line 2, leave out “senior”

Clause 27

- 47 Page 27, line 28, leave out from “following” to end of line 32
- 48 Page 28, line 20, at end insert—
 “(5A) In this Chapter “remuneration”, in relation to a relevant authority and an employee of its who is not a chief officer, means—
 (a) the employee’s salary,
 (b) any bonuses payable by the authority to the employee,
 (c) any allowances payable by the authority to the employee,
 (d) any benefits in kind to which the employee is entitled as a result of the employee’s employment,
 (e) any increase in or enhancement of the employee’s pension entitlement where the increase or enhancement is as a result of a resolution of the authority, and
 (f) any amounts payable by the authority to the employee on the employee ceasing to be employed by the authority, other than any amounts that may be payable by virtue of any enactment.

- (5B) References in this Chapter to the remuneration of an employee who is not a chief officer include—
- (a) the remuneration that may be provided to that employee in the future, and
 - (b) the remuneration that is to be provided to employees of the same kind that the authority may employ in the future.”

After Clause 27

- 49 Insert the following new Clause—

“CHAPTER 6A

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Arrangements for provision of services and discharge of functions

- (1) After section 33ZA of the Local Government Act 1974 insert—

“33ZB Arrangements for provision of administrative and other services

- (1) Arrangements involving the Commission may be entered into by persons within subsection (4) for the provision of administrative, professional or technical services by any one or more of the parties for any one or more of the parties, whether for consideration or otherwise.
 - (2) For the purposes of subsection (1), arrangements for the provision of services involve the Commission if the Commission is one of the parties to the arrangements and at least one of the following conditions is met—
 - (a) the Commission is the party, or one of the parties, by whom the services are to be provided;
 - (b) the Commission is the party, or one of the parties, to whom the services are to be provided.
 - (3) The arrangements that may be entered into under subsection (1) include arrangements for—
 - (a) the Commission, or
 - (b) the Commission jointly with any one or more of the parties, to have the function of discharging, on behalf of a party, any function of that party which is of an administrative, professional or technical nature.
 - (4) The persons within this subsection are—
 - (a) the Commission,
 - (b) the Parliamentary Commissioner,
 - (c) the Health Service Commissioner for England, and
 - (d) the person administering a scheme approved under Schedule 2 to the Housing Act 1996 (scheme for enabling complaints to be investigated by a housing ombudsman).”
- (2) In paragraph 13 of Schedule 4 to the Local Government Act 1974 (delegation by Local Commissioners) after sub-paragraph (2) insert—

- “(3) Any function of the Commission may be discharged on the Commission’s behalf –
- (a) by any person authorised by the Commission to do so, and
 - (b) to the extent so authorised.
- (4) Sub-paragraph (3) does not affect the responsibility of the Commission for the discharge of the function.”

Clause 31

50 Page 29, line 5, leave out subsections (1) to (5) and insert –

- “(1) A Minister of the Crown may, in accordance with the provisions of this Part, require public authorities to make payments of amounts determined by a Minister of the Crown in respect of an EU financial sanction to which this Part applies.
- (2) A requirement to make a payment under this Part –
- (a) may only be imposed on a public authority if –
 - (i) the authority has been designated under section (*Designation of public authorities*); and
 - (ii) the EU financial sanction concerned is one to which the designation applies; and
 - (b) must be imposed by a notice given to the authority under section 33 (referred to in this Part as a final notice).”

51 Page 29, line 28, leave out “an EU financial sanction” and insert “a final”

52 Page 29, line 31, leave out “local or”

53 Page 29, line 32, at end insert –

- “(8) In this Part –
- (a) “EU financial sanction” means a sanction consisting of a lump sum or penalty payment (or both) imposed by the Court of Justice in Article 260(2) proceedings for an infraction of EU law;
 - (b) “infraction of EU law”, in relation to an EU financial sanction, means the failure to comply with a judgment of the Court of Justice given in proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union; and
 - (c) “Article 260(2) proceedings” means proceedings under Article 260(2) of that Treaty.”

After Clause 31

54 Insert the following new Clause –

“Duty of the Secretary of State to issue a policy statement

- (1) The Secretary of State must publish a statement of policy with respect to –
- (a) the designation of public authorities under section (*Designation of public authorities*);
 - (b) the imposition and variation of requirements to make payments under this Part; and

- (c) such other matters relating to the operation of the provisions of this Part as the Secretary of State may think it appropriate to include in the statement.
- (2) The Secretary of State may from time to time revise and republish the statement of policy required by this section.
- (3) A revised statement of policy may include saving or transitional provisions relating to the continued application for any purpose of any provisions of an earlier published version of the statement.
- (4) The Secretary of State must consult such persons as the Secretary of State considers appropriate before publishing, or revising and republishing, the statement of policy required by this section.
- (5) In exercising functions under this Part in relation to an EU financial sanction which has been or may be imposed on the United Kingdom—
 - (a) a Minister of the Crown, and
 - (b) a panel established under section (*Establishment of independent panel*),
 must have regard to the statement of policy most recently published under this section.”

55 Insert the following new Clause—

“The EU financial sanctions to which Part 2 applies

- (1) This Part applies to any EU financial sanction imposed on the United Kingdom after the commencement of this Part, subject to subsection (2).
- (2) If a Minister of the Crown gives a certificate—
 - (a) specifying a part or parts of an EU financial sanction, and
 - (b) stating that this Part is not to apply to that part, or those parts, of the sanction,
 this Part applies to that EU financial sanction as if it did not include that part or those parts.
- (3) A certificate under subsection (2)—
 - (a) may different provision about any of the following—
 - (i) the lump sum (if any) paid by the United Kingdom;
 - (ii) any periodic payment due from the United Kingdom under the terms of the EU financial sanction before the certificate is given; and
 - (iii) any subsequent periodic payment that may fall due from the United Kingdom under those terms; and
 - (b) must be given in such form and published in such manner as the Minister of the Crown giving it thinks fit.
- (4) Any provision of a certificate under subsection (2) which has the effect of excluding the whole or part of any periodic payment mentioned in subsection (3)(a)(iii) (including any such payment which has fallen due from the United Kingdom since the earlier certificate was given) may be varied by a further certificate under subsection (2).”

56 Insert the following new Clause—

“Meaning of “public authority” and related terms

- (1) This section defines various terms used in this Part.
- (2) “Public authority” means –
 - (a) a local authority to which subsection (3) applies; or
 - (b) any other person or body which has any non-devolved functions.
- (3) This subsection applies to –
 - (a) any of the following in England –
 - (i) a county council, district council or London borough council;
 - (ii) the Common Council of the City of London (in its capacity as a local authority);
 - (iii) the Greater London Authority; and
 - (iv) the Council of the Isles of Scilly;
 - (b) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (c) a district council within the meaning of the Local Government Act (Northern Ireland) 1972;
 - (d) a council of a county or county borough in Wales.
- (4) References to functions are to functions of a public nature.
- (5) References to non-devolved functions are to functions which are not devolved functions.
- (6) References to devolved functions are to –
 - (a) Scottish devolved functions, that is to say functions the exercise of which would be within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
 - (b) Northern Ireland devolved functions, that is to say functions which could be conferred by provision included in an Act of the Northern Ireland Assembly made without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998); or
 - (c) Welsh devolved functions, that is to say functions which are exercisable in relation to Wales and could be conferred by provision falling within the legislative competence of the National Assembly for Wales as defined in section 108 of the Government of Wales Act 2006.
- (7) References to a public authority with mixed functions are to a public authority which has both non-devolved and devolved functions.
- (8) The “appropriate national authority”, in relation to a public authority with mixed functions, means the following national authority or authorities (according to whichever one or more of the following paragraphs apply to that public authority) –
 - (a) the Scottish Ministers, if the public authority has any Scottish devolved functions;
 - (b) the relevant Northern Ireland department, if the public authority has any Northern Ireland devolved functions; and
 - (c) the Welsh Ministers, if the public authority has any Welsh devolved functions.”

“Designation of public authorities

- (1) A Minister of the Crown may by order designate a public authority for the purposes of this Part.
- (2) The order must –
 - (a) specify the public authority by name;
 - (b) identify any EU financial sanction to which the designation applies; and
 - (c) describe the activities of the authority which are covered by the designation.
- (3) The order may identify an EU financial sanction for the purposes of subsection (2)(b) by –
 - (a) specifying an EU financial sanction that has been imposed on the United Kingdom;
 - (b) specifying any Article 260(2) proceedings that have been commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom in those proceedings;
 - (c) specifying a judgment of the Court of Justice finding that the United Kingdom has failed to comply with an EU obligation and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with that judgment; or
 - (d) specifying or describing any proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union that have been or may be commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with a judgment of the Court of Justice given in those proceedings.
- (4) The order may, for the purposes of subsection (3)(d), describe any proceedings under Article 258 or 259 that may be commenced by reference to the subject-matter of –
 - (a) a Reasoned Opinion addressed to the United Kingdom under Article 258 or 259 (as the case may be); or
 - (b) any other document sent to the Government of the United Kingdom by the Commission of the European Union or by another member State which gives notice to the Government of the possibility of proceedings being commenced against the United Kingdom.
- (5) The activities described for the purposes of subsection (2)(c) must be activities of the public authority which –
 - (a) are carried out in the exercise of non-devolved functions of the public authority; and
 - (b) take place after the provisions of the order describing the activities come into force.
- (6) The following may not be designated under this section –
 - (a) the House of Commons, the House of Lords, the Scottish Parliament, the Northern Ireland Assembly or the National Assembly for Wales;
 - (b) a Minister of the Crown or a United Kingdom government department;

- (c) a member of the Scottish Executive;
 - (d) the First Minister or the deputy First Minister for Northern Ireland, a Northern Ireland Minister or a Northern Ireland Department;
 - (e) a member of the Welsh Assembly Government;
 - (f) a court or tribunal.
- (7) Before making an order designating a public authority a Minister of the Crown must consult—
- (a) the public authority concerned; and
 - (b) if it is a public authority with mixed functions, the appropriate national authority.
- (8) In sections 32 to 33 references to “acts”, in relation to a public authority which has been designated under this section, are to acts within a description of activities covered by the designation.”

58 Insert the following new Clause—

“Establishment of independent panel

- (1) This section applies where—
- (a) an EU financial sanction to which this Part applies has been imposed by the Court of Justice; and
 - (b) at least one public authority is the subject of a designation order under section (*Designation of public authorities*) which applies to that EU financial sanction.
- (2) A Minister of the Crown must establish a panel for the purpose of carrying out any functions it may be given by or under any provision of this Part in relation to that EU financial sanction.
- (3) The panel must be established before any warning notice is given to a public authority in relation to that EU financial sanction.
- (4) The panel is to consist of one or more individuals appointed by a Minister of the Crown who appear to a Minister of the Crown to have suitable qualifications, expertise or experience to carry out their duties.
- (5) A Minister of the Crown may invite nominations for appointment to the panel from such organisations as a Minister of the Crown considers appropriate.
- (6) The validity of any acts of the panel is not affected by a vacancy among its members.
- (7) A Minister of the Crown may pay to a member of the panel such fees, allowances or expenses as a Minister of the Crown may determine.
- (8) A Minister of the Crown may provide such staff, accommodation or other facilities as a Minister of the Crown may consider necessary to enable the panel to carry out its functions.”

Clause 32

59 Page 29, line 34, leave out subsection (1) and insert—

- “(1) Before a public authority which has been designated under section (*Designation of public authorities*) can be required to make any payment

under this Part in respect of an EU financial sanction to which the designation applies—

- (a) a Minister of the Crown must give a warning notice under this section to the public authority;
- (b) the procedures set out in the warning notice (with any changes made under subsection (7)) must be followed; and
- (c) a Minister of the Crown must determine the matters mentioned in section (*Matters to be determined before a final notice is given*)(4).”

- 60 Page 29, line 39, leave out “the Minister” and insert “a Minister of the Crown”
- 61 Page 29, line 40, leave out from “Justice” to “financial” in line 41 and insert “imposing the EU”
- 62 Page 30, line 3, leave out “a payment under this Part” and insert “payments under this Part (which may be or include ongoing payments)”
- 63 Page 30, line 3, leave out “that” and insert “the EU”
- 64 Page 30, line 4, leave out subsections (3) to (5) and insert—
- “(3) The warning notice must also—
- (a) identify the EU financial sanction to which the notice relates;
 - (b) specify the total amount of that sanction (see subsection (6C));
 - (c) if that sanction is or includes a penalty payment, specify the amount and frequency of any periodic payments that fall due from the United Kingdom under the terms of the penalty payment (see subsection (6D));
 - (d) set out the reasons for making the statement required by subsection (2);
 - (e) set out the proposed procedures and arrangements for determining the matters mentioned in section (*Matters to be determined before a final notice is given*)(4) (which may include arrangements for securing that matters arising under the notice are dealt together with matters arising under other warning notices given to other public authorities in respect of the same EU financial sanction);
 - (f) propose a timetable for those procedures and for any steps to be taken by the panel or a Minister of the Crown before any requirement to make a payment can be imposed on the authority;
 - (g) invite the authority to make representations to a Minister of the Crown about the matters mentioned in paragraphs (e) and (f);
 - (h) invite the authority to make representations to the panel (with any supporting evidence) about anything the authority considers relevant to the matters mentioned in section (*Matters to be determined before a final notice is given*)(4), including its response to any representations made (and any supporting evidence submitted) to the panel—
 - (i) by a Minister of the Crown or a government department (whether in relation to matters arising from the notice or matters arising from any other warning notice given to another public authority in relation to the same EU financial sanction);
 - (ii) by another public authority which has been given a warning notice in relation to the same EU financial sanction; or
 - (iii) by the appropriate national authority in response to an invitation under paragraph (j) included in the notice; and

- (j) if the authority has mixed functions, invite the appropriate national authority to make representations about anything contained in or arising from the notice.”
- 65 Page 30, line 40, at end insert “of the Crown giving it”
- 66 Page 30, line 41, at end insert –
- “(6A) Before a Minister of the Crown gives a warning notice to the authority, the Minister of the Crown must consult the panel as to the contents of the notice (including in particular the proposed procedures and timetable mentioned in subsection (3)(e) and (f)).
- (6B) If the authority has mixed functions, a Minister of the Crown must –
- (a) consult the appropriate national authority before deciding to give a warning notice to the authority; and
 - (b) give the appropriate national authority a copy of any warning notice the Minister of the Crown decides to give.
- (6C) In subsection (3)(b) the “total amount of the sanction” means the sum of the following –
- (a) the amount of the lump sum (if any) due from the United Kingdom under the terms of the EU financial sanction (disregarding any amount that falls to be excluded from the lump sum by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2)); and
 - (b) the total amount of the periodic payments (if any) which have fallen due from the United Kingdom on or before a day specified in the notice (disregarding any amount that falls to be excluded from any of those payments by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2));
- and the day specified for the purposes of paragraph (b) must be no later than the day on which the warning notice is given to the authority.
- (6D) The periodic payments to be taken into account for the purposes of subsection (3)(c) do not include –
- (a) any periodic payment taken into account in calculating the total amount of the sanction for the purposes of subsection (3)(b); or
 - (b) any periodic payment, or any part of a periodic payment, that falls to be excluded from the EU financial sanction by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2).”

67 Page 30, line 42, leave out “The Minister” and insert “A Minister of the Crown”

68 Page 30, line 43, leave out “(3)(d)(ii)” and insert “(3)(g)”

69 Page 30, line 43, leave out “subsection (3)(b)” and insert “section (*Matters to be determined before a final notice is given*)(4)”

70 Page 30, line 44, after “authority” insert “ –

 - (a) ”

71 Page 30, line 45, leave out “criteria,”

72 Page 30, line 46, leave out “(3)(b), (c) or (e).” and insert “(3)(e) and (f); and

 - (b) a copy of the warning notice incorporating those changes.

(7A) A Minister of the Crown must consult the panel before making any changes under subsection (7).”

- 73 Page 30, line 47, leave out “local or”
- 74 Page 30, line 48, leave out “subsection (3)(b)” and insert “section (*Matters to be determined before a final notice is given*)(4)”
- 75 Page 31, line 2, at end insert –
- “(9) In this section and section (*Matters to be determined before a final notice is given*) “the panel” means the panel established under section (*Establishment of independent panel*) to deal with the EU financial sanction to which the notice relates.”

After Clause 32

- 76 Insert the following new Clause –

“Matters to be determined before a final notice is given

- (1) This section applies where –
 - (a) a warning notice has been given to a public authority; and
 - (b) the panel has considered all representations made to it under the procedures set out in that notice.
- (2) The panel must make, to a Minister of the Crown, a report on the matters to which the representations made to the panel relate.
- (3) The report –
 - (a) may be published by the panel in such manner as the panel thinks fit and, if not published by the panel, must be published by the Minister of the Crown to whom it is made in such manner as the Minister of the Crown thinks fit;
 - (b) must include recommendations as to the determination of the matters mentioned in subsection (4)(a) and (b);
 - (c) if the authority has made representations to the panel about anything the authority considers relevant to any of the matters mentioned in paragraphs (c) to (e) of subsection (4), must include recommendations as to the determination of the matters mentioned in those paragraphs; and
 - (d) must include the panel’s reasons for any recommendations included in the report.
- (4) After having had regard to the report, a Minister of the Crown must determine the following matters –
 - (a) whether any acts of the authority did cause or contribute to the infraction of EU law concerned and, in relation to any periodic payments, whether any acts of the authority have continued, and will continue, to cause or contribute to the continuation of that infraction;
 - (b) the proportion of –
 - (i) the total amount of the sanction (being the amount to be specified under section 33(2)(b) if a final notice is given), and
 - (ii) any periodic payments not included in that total amount (including both payments that have fallen due since the date specified under section 32(6C)(b) and future periodic payments),

- that, in the light of the acts of the authority which are determined to be relevant for the purposes of paragraph (a), is to be regarded as reflecting the authority's share of the responsibility for the infraction of EU law concerned or, in relation to a periodic payment mentioned in sub-paragraph (ii), the continuing infraction of EU law concerned;
- (c) whether the authority should be required to make any payment or payments in respect of the EU financial sanction;
 - (d) if so, what payment or payments the authority should make towards –
 - (i) the total amount of the sanction referred to in paragraph (b)(i); and
 - (ii) any periodic payments referred to in paragraph (b)(ii); and
 - (e) when any such payment or payments should be made.
- (5) In determining the matters mentioned in subsection (4)(c), (d) and (e) the Minister of the Crown must have regard to –
- (a) the effect on the authority's finances of any amount it may be required to pay and in particular, if the authority has mixed functions, the need to avoid any prejudicial effect on the performance by the authority of its devolved functions;
 - (b) the determination under subsection (4)(b); and
 - (c) any other relevant considerations.
- (6) Before making a final decision on the matters mentioned in subsection (4)(c), (d) and (e), the Minister of the Crown must invite –
- (a) representations from the authority about the potential effect on its finances and, if it has mixed functions, the effect on its devolved functions of any amount it may be required to pay; and
 - (b) if the authority has mixed functions, representations from the appropriate national authority."

Clause 33

77 Page 31, line 4, leave out from "give" to end of line 8 and insert "a final notice to a public authority only if a Minister of the Crown has decided in accordance with section (*Matters to be determined before a final notice is given*) to impose a requirement under this Part on the authority."

78 Page 31, line 9, leave out subsections (2) to (6) and insert –

- "(2) The final notice must –
- (a) identify the EU financial sanction to which the notice relates;
 - (b) specify the total amount of the sanction (see subsection (3)) and, where relevant, the amount and frequency of any future periodic payments (see subsection (4));
 - (c) describe the acts of the authority that a Minister of the Crown has under section (*Matters to be determined before a final notice is given*)(4) determined –
 - (i) have caused or contributed to the infraction of EU law concerned; or
 - (ii) have caused or contributed, or will continue to cause or contribute, to the continuation of that infraction;
- and set out the reasons for that determination;

- (d) summarise the other determinations made by a Minister of the Crown under section (*Matters to be determined before a final notice is given*)(4) and set out the reasons for making them;
 - (e) specify the amount required to be paid by the authority towards the total amount of the sanction and when it is to be paid (and if it is to be paid in instalments, the instalments and the date on which they become payable);
 - (f) specify the amount or proportion required to be paid towards any future periodic payment (as defined for the purposes of paragraph (b)) and the time when that amount is to be paid (or, if the notice so provides the time when two or more such amounts are to be paid); and
 - (g) specify how and to whom payments are to be made.
- (3) In subsection (2)(b) and (e) the “total amount of the sanction” means the sum of the following –
- (a) the amount of the lump sum (if any) due from the United Kingdom under the terms of the EU financial sanction (disregarding any amount that falls to be excluded from the lump sum by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2)); and
 - (b) the total amount of the periodic payments (if any) which have fallen due from the United Kingdom on or before a day specified in the final notice (disregarding any amount that falls to be excluded from any of those payments by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2));
- and the day specified for the purposes of paragraph (b) must be no later than the day on which the final notice is given to the authority.
- (4) In subsection (2)(b) “future periodic payments” means periodic payments due from the United Kingdom other than –
- (a) any periodic payment taken into account in calculating the total amount of the sanction; or
 - (b) any periodic payment, or any part of a periodic payment, that falls to be excluded from the EU financial sanction by virtue of section (*The EU financial sanctions to which Part 2 applies*)(2).
- (5) The requirement to make payments towards periodic payments falling due from the United Kingdom after the notice is given continues so long as those periodic payments continue to fall due, unless a Minister of the Crown gives the authority a notice under this subsection terminating the requirement or varying it so as to make it less onerous for the authority.
- (6) A notice under subsection (5) may be given, either on the application of the authority or without such an application, where a Minister of the Crown considers it appropriate in the light of a change in the circumstances which applied when the final notice was given or when it was last varied (as the case may be).
- (7) A Minister of the Crown may –
- (a) consult the panel, or refer any matter relating to the possible termination or variation of the requirement for its advice or recommendations;
 - (b) invite the authority to make representations; and
 - (c) if the authority has mixed functions, invite the appropriate national authority to make representations,

before deciding whether to terminate or vary the requirement mentioned in subsection (5).

- (8) If the authority makes an application under subsection (6) a Minister of the Crown may by notice to the authority suspend the requirement until further notice (but this does not affect the liability to make any payment once the suspension is ended, unless the final notice is varied to have that effect).”

Clause 34

79 Leave out Clause 34

Clause 35

80 Leave out Clause 35

Clause 36

81 Leave out Clause 36

Clause 37

82 Page 33, line 38, leave out from beginning to end of line 1 on page 34 and insert –
 ““the appropriate national authority”, in relation to a public authority with mixed functions, has the meaning given by section (*Meaning of “public authority” and related terms*)(8);
 “Article 260(2) proceedings” has the meaning given by section 31(8)(c);
 “Court of Justice” means the Court of Justice of the European Union;
 “EU financial sanction” has the meaning given by section 31(8)(a);
 “final notice” means a notice under section 33;
 “functions”, “non-devolved functions” and “devolved functions” are to be construed in accordance with section (*Meaning of “public authority” and related terms*);
 “infraction of EU law”, in relation to an EU financial sanction, has the meaning given by section 31(8)(b);”

83 Page 34, line 3, at end insert –
 ““periodic payment”, in relation to an EU financial sanction that is or includes a penalty payment, means a payment due under the terms of the penalty payment;
 “public authority” has the meaning given in section (*Meaning of “public authority” and related terms*)(2);
 “public authority with mixed functions” has the meaning given by section (*Meaning of “public authority” and related terms*)(7);
 “warning notice” means a notice under section 32.”

84 Page 34, line 4, leave out subsection (2)

After Clause 37

85 Insert the following new Clause –

“PART

EU FINANCIAL SANCTIONS: WALES

Power to require Welsh public authorities to make payments in respect of certain EU financial sanctions

- (1) The Welsh Ministers may, in accordance with the provisions of this Part, require Welsh public authorities to make payments of amounts determined by the Welsh Ministers in respect of an EU financial sanction to which this Part applies.
- (2) A requirement to make a payment under this Part—
 - (a) may only be imposed on a Welsh public authority if—
 - (i) the authority has been designated under section (*Designation of Welsh public authorities*); and
 - (ii) the EU financial sanction concerned is one to which the designation applies; and
 - (b) must be imposed by a notice given to the authority under section (*Final notices*) (referred to in this Part as a final notice).
- (3) If a final notice is registered in accordance with rules of court or any practice direction, it is enforceable in the same manner as an order of the High Court.
- (4) Any sums paid by a Welsh public authority under this Part are to be paid into the Welsh Consolidated Fund.
- (5) In this Part—
 - (a) “EU financial sanction” means a sanction consisting of a lump sum or penalty payment (or both) imposed by the Court of Justice in Article 260(2) proceedings for an infraction of EU law;
 - (b) “infraction of EU law”, in relation to an EU financial sanction, means the failure to comply with a judgment of the Court of Justice given in proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union; and
 - (c) “Article 260(2) proceedings” means proceedings under Article 260(2) of that Treaty.”

86 Insert the following new Clause—

“Duty of the Welsh Ministers to issue a policy statement

- (1) The Welsh Ministers must publish a statement of policy with respect to—
 - (a) the designation of Welsh public authorities under section (*Designation of Welsh public authorities*);
 - (b) the imposition and variation of requirements to make payments under this Part; and
 - (c) such other matters relating to the operation of the provisions of this Part as the Welsh Ministers may think it appropriate to include in the statement.
- (2) The Welsh Ministers may from time to time revise and republish the statement of policy required by this section.

- (3) A revised statement of policy may include saving or transitional provisions relating to the continued application for any purpose of any provisions of an earlier published version of the statement.
- (4) The Welsh Ministers must consult such persons as the Welsh Ministers consider appropriate before publishing, or revising and republishing, the statement of policy required by this section.
- (5) In exercising functions under this Part in relation to an EU financial sanction which has been or may be imposed on the United Kingdom –
 - (a) the Welsh Ministers, and
 - (b) a panel established under section (*Establishment of independent panel (No. 2)*),
 must have regard to the statement of policy most recently published under this section.”

87 Insert the following new Clause –

“The EU financial sanctions to which Part (EU financial sanctions: Wales) applies

- (1) This Part applies to an EU financial sanction imposed on the United Kingdom if –
 - (a) the sanction is imposed after the commencement of this Part, and
 - (b) the Welsh Ministers certify that this Part applies to the sanction.
- (2) If a certificate under subsection (1) –
 - (a) specifies a part or parts of the EU financial sanction concerned, and
 - (b) states that this Part applies only to that part, or those parts, of the sanction,
 this Part applies to the sanction as if it included only that part or those parts.
- (3) A certificate under subsection (1) –
 - (a) may make different provision about any of the following –
 - (i) the lump sum (if any) paid by the United Kingdom;
 - (ii) any periodic payment due from the United Kingdom under the terms of the EU financial sanction before the certificate is given; and
 - (iii) any future periodic payment that may fall due from the United Kingdom under those terms; and
 - (b) must be given in such form and published in such manner as the Welsh Ministers think fit.
- (4) Any provision of a certificate under subsection (1) which has the effect of excluding the whole or part of any periodic payment mentioned in subsection (3)(a)(iii) (including any such payment which has fallen due from the United Kingdom since the earlier certificate was given) may be varied by a further certificate under subsection (1).”

88 Insert the following new Clause –

“Meaning of “Welsh public authority” and related terms

- (1) Subsections (2) to (5) define various terms used in this Part.

- (2) “Welsh public authority” means –
 - (a) a council of a county or county borough in Wales; or
 - (b) any other person or body which has any Welsh devolved functions.
- (3) References to functions are to functions of a public nature.
- (4) References to Welsh devolved functions are to functions which are exercisable in relation to Wales and could be conferred by provision falling within the legislative competence of the National Assembly for Wales as defined in section 108 of the Government of Wales Act 2006.
- (5) The “appropriate national authority”, in relation to a Welsh public authority with any functions other than Welsh devolved functions, means the following national authority or authorities (according to whichever one or more of the following paragraphs apply to that Welsh public authority) –
 - (a) a Minister of the Crown, if the Welsh public authority has any functions which are not devolved functions;
 - (b) the Scottish Ministers, if the Welsh public authority has any Scottish devolved functions; and
 - (c) the relevant Northern Ireland Department, if the Welsh public authority has any Northern Ireland devolved functions.
- (6) In subsection (5)(a) “devolved functions” means –
 - (a) Welsh devolved functions;
 - (b) Scottish devolved functions; or
 - (c) Northern Ireland devolved functions.
- (7) In subsections (5) and (6) –

“Northern Ireland devolved functions” means functions which could be conferred by provision included in an Act of the Northern Ireland Assembly made without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998);

“Scottish devolved functions” means functions the exercise of which would be within devolved competence (within the meaning of section 54 of the Scotland Act 1998).”

89 Insert the following new Clause –

“Designation of Welsh public authorities

- (1) The Welsh Ministers may by order designate a Welsh public authority for the purposes of this Part.
- (2) The order must –
 - (a) specify the Welsh public authority by name;
 - (b) identify any EU financial sanction to which the designation applies; and
 - (c) describe the activities of the authority which are covered by the designation.
- (3) The order may identify an EU financial sanction for the purposes of subsection (2)(b) by –
 - (a) specifying an EU financial sanction that has been imposed on the United Kingdom;

- (b) specifying any Article 260(2) proceedings that have been commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom in those proceedings;
 - (c) specifying a judgment of the Court of Justice finding that the United Kingdom has failed to comply with an EU obligation and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with that judgment; or
 - (d) specifying or describing any proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union that have been or may be commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with a judgment of the Court of Justice given in those proceedings.
- (4) The order may, for the purposes of subsection (3)(d), describe any proceedings under Article 258 or 259 that may be commenced by reference to the subject-matter of –
- (a) a Reasoned Opinion addressed to the United Kingdom under Article 258 or 259 (as the case may be); or
 - (b) any other document sent to the Government of the United Kingdom by the Commission of the European Union or by another member State which gives notice to the Government of the possibility of proceedings being commenced against the United Kingdom.
- (5) The activities described for the purposes of subsection (2)(c) must be activities of the Welsh public authority which –
- (a) are carried out in the exercise of Welsh devolved functions of the authority; and
 - (b) take place after the provisions of the order describing the activities come into force.
- (6) The following may not be designated under this section –
- (a) the National Assembly for Wales;
 - (b) a Minister of the Crown or a United Kingdom government department;
 - (c) a member of the Welsh Assembly Government;
 - (d) a court or tribunal.
- (7) Before making an order designating a Welsh public authority the Welsh Ministers must consult –
- (a) the authority concerned; and
 - (b) if the authority concerned has any functions other than Welsh devolved functions, the appropriate national authority.
- (8) In sections (*Warning notices*) to (*Final notices*) references to “acts”, in relation to a Welsh public authority which has been designated under this section, are to acts within a description of activities covered by the designation.”

90 Insert the following new Clause –

“Establishment of independent panel (No. 2)

- (1) This section applies where –

- (a) an EU financial sanction to which this Part applies has been imposed by the Court of Justice; and
 - (b) at least one Welsh public authority is the subject of a designation order under section (*Designation of Welsh public authorities*) which applies to that EU financial sanction.
- (2) The Welsh Ministers must establish a panel for the purpose of carrying out any functions it may be given by or under any provision of this Part in relation to that EU financial sanction.
 - (3) The panel must be established before any warning notice is given to a Welsh public authority in relation to that EU financial sanction.
 - (4) The panel is to consist of one or more individuals appointed by the Welsh Ministers who appear to the Welsh Ministers to have suitable qualifications, expertise or experience to carry out their duties.
 - (5) The Welsh Ministers may invite nominations for appointment to the panel from such organisations as the Welsh Ministers consider appropriate.
 - (6) The validity of any acts of the panel is not affected by a vacancy among its members.
 - (7) The Welsh Ministers may pay to a member of the panel such fees, allowances or expenses as the Welsh Ministers may determine.
 - (8) The Welsh Ministers may provide such staff, accommodation or other facilities as the Welsh Ministers may consider necessary to enable the panel to carry out its functions.”

91 Insert the following new Clause –

“Warning notices

- (1) Before a Welsh public authority which has been designated under section (*Designation of Welsh public authorities*) can be required to make any payment under this Part in respect of an EU financial sanction to which the designation applies –
 - (a) the Welsh Ministers must give a warning notice under this section to the authority;
 - (b) the procedures set out in the warning notice (with any changes made under subsection (9)) must be followed; and
 - (c) the Welsh Ministers must determine the matters mentioned in section (*Matters to be determined before a final notice is given (No. 2)*)(4).
- (2) A warning notice is a notice stating that the Welsh Ministers, having regard to the judgment of the Court of Justice imposing the EU financial sanction, believe –
 - (a) that acts of the authority may have caused or contributed to the infraction of EU law for which the EU financial sanction was imposed; and
 - (b) that, if acts of the authority did cause or contribute to that infraction of EU law, it would be appropriate to consider requiring the authority to make payments under this Part (which may be or include ongoing payments) in respect of the EU financial sanction.
- (3) The warning notice must also –
 - (a) identify the EU financial sanction to which the notice relates;

- (b) specify the total amount of that sanction (see subsection (7));
 - (c) if that sanction is or includes a penalty payment, specify the amount and frequency of any periodic payments that fall due from the United Kingdom under the terms of the penalty payment (see subsection (8));
 - (d) set out the reasons for making the statement required by subsection (2);
 - (e) set out the proposed procedures and arrangements for determining the matters mentioned in section (*Matters to be determined before a final notice is given (No. 2)*)(4) (which may include arrangements for securing that matters arising under the notice are dealt together with matters arising under other warning notices given to other Welsh public authorities in respect of the same EU financial sanction);
 - (f) propose a timetable for those procedures and for any steps to be taken by the panel or the Welsh Ministers before any requirement to make a payment can be imposed on the authority;
 - (g) invite the authority to make representations to the Welsh Ministers about the matters mentioned in paragraphs (e) and (f);
 - (h) invite the authority to make representations to the panel (with any supporting evidence) about anything the authority considers relevant to the matters mentioned in section (*Matters to be determined before a final notice is given (No. 2)*)(4), including its response to any representations made (and any supporting evidence submitted) to the panel –
 - (i) by the Welsh Ministers (whether in relation to matters arising from the notice or matters arising from any other warning notice given to another Welsh public authority in relation to the same EU financial sanction);
 - (ii) by another Welsh public authority which has been given a warning notice in relation to the same EU financial sanction; or
 - (iii) by the appropriate national authority in response to an invitation under paragraph (j) included in the notice; and
 - (j) if the authority has any functions other than Welsh devolved functions, invite the appropriate national authority to make representations about anything contained in or arising from the notice.
- (4) The warning notice may contain such other information as the Welsh Ministers consider appropriate.
- (5) Before giving a warning notice to the authority, the Welsh Ministers must consult the panel as to the contents of the notice (including in particular the proposed procedures and timetable mentioned in subsection (3)(e) and (f)).
- (6) If the authority has any functions other than Welsh devolved functions, the Welsh Ministers must –
- (a) consult the appropriate national authority before deciding to give a warning notice to the authority; and
 - (b) give the appropriate national authority a copy of any warning notice the Welsh Ministers decide to give.
- (7) In subsection (3)(b) the “total amount of the sanction” means the sum of the following –

- (a) the amount of the lump sum (if any) due from the United Kingdom under the terms of the EU financial sanction (disregarding any amount that falls to be excluded from the lump sum by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2)); and
 - (b) the total amount of the periodic payments (if any) which have fallen due from the United Kingdom on or before a day specified in the notice (disregarding any amount that falls to be excluded from any of those payments by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2));
- and the day specified for the purposes of paragraph (b) must be no later than the day on which the warning notice is given to the authority.
- (8) The periodic payments to be taken into account for the purposes of subsection (3)(c) do not include—
 - (a) any periodic payment taken into account in calculating the total amount of the sanction for the purposes of subsection (3)(b); or
 - (b) any periodic payment, or any part of a periodic payment, that falls to be excluded from the EU financial sanction by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2).
 - (9) The Welsh Ministers may, after considering any representations made by the authority under subsection (3)(g) but before the matters mentioned in section (*Matters to be determined before a final notice is given (No. 2)*)(4) are determined, give the authority—
 - (a) a notice stating any changes that the Welsh Ministers have decided to make to the procedures or timetable as originally set out in the warning notice under subsection (3)(e) and (f); and
 - (b) a copy of the warning notice incorporating those changes.
 - (10) The Welsh Ministers must consult the panel before making any changes under subsection (9).
 - (11) A warning notice given to a Welsh public authority may be withdrawn at any time before the matters mentioned in section (*Matters to be determined before a final notice is given (No. 2)*)(4) are determined, but this does not prevent another warning notice being given to the authority in relation to the same EU financial sanction.
 - (12) In this section and section (*Matters to be determined before a final notice is given (No. 2)*) “the panel” means the panel established under section (*Establishment of independent panel (No. 2)*) to deal with the EU financial sanction to which the notice relates.”

92 Insert the following new Clause—

“Matters to be determined before a final notice is given (No. 2)

- (1) This section applies where—
 - (a) a warning notice has been given to a Welsh public authority; and
 - (b) the panel has considered all representations made to it under the procedures set out in that notice.
- (2) The panel must make a report to the Welsh Ministers on the matters to which the representations made to the panel relate.

- (3) The report—
- (a) may be published by the panel in such manner as the panel thinks fit and, if not published by the panel, must be published by the Welsh Ministers in such manner as they think fit;
 - (b) must include recommendations as to the determination of the matters mentioned in subsection (4)(a) and (b);
 - (c) if the authority has made representations to the panel about anything the authority considers relevant to any of the matters mentioned in paragraphs (c) to (e) of subsection (4), must include recommendations as to the determination of the matters mentioned in those paragraphs; and
 - (d) must include the panel's reasons for any recommendations included in the report.
- (4) After having had regard to the report, the Welsh Ministers must determine the following matters—
- (a) whether any acts of the authority did cause or contribute to the infraction of EU law concerned and, in relation to any periodic payments, whether any acts of the authority have continued, and will continue, to cause or contribute to the continuation of that infraction;
 - (b) the proportion of—
 - (i) the total amount of the sanction (being the amount to be specified under section (*Final notices*)(2)(b) if a final notice is given), and
 - (ii) any periodic payments not included in that total amount (including both payments that have fallen due since the date specified under section (*Warning notices*)(7)(b) and future periodic payments),
 that, in the light of the acts of the authority which are determined to be relevant for the purposes of paragraph (a), is to be regarded as reflecting the authority's share of the responsibility for the infraction of EU law concerned or, in relation to a periodic payment mentioned in sub-paragraph (ii), the continuing infraction of EU law concerned;
 - (c) whether the authority should be required to make any payment or payments in respect of the EU financial sanction;
 - (d) if so, what payment or payments the authority should make towards—
 - (i) the total amount of the sanction referred to in paragraph (b)(i); and
 - (ii) any periodic payments referred to in paragraph (b)(ii); and
 - (e) when any such payment or payments should be made.
- (5) In determining the matters mentioned in subsection (4)(c), (d) and (e) the Welsh Ministers must have regard to—
- (a) the effect on the authority's finances of any amount it may be required to pay and in particular, if the authority has any functions other than Welsh devolved functions, the need to avoid any prejudicial effect on the performance by the authority of those other functions;
 - (b) the determination under subsection (4)(b); and
 - (c) any other relevant considerations.

- (6) Before making a final decision on the matters mentioned in subsection (4)(c), (d) and (e), the Welsh Ministers must invite –
- (a) representations from the authority about the potential effect on its finances and, if it has any functions other than Welsh devolved functions, the effect on those other functions of any amount it may be required to pay; and
 - (b) if the authority has any functions other than Welsh devolved functions, representations from the appropriate national authority.”

93 Insert the following new Clause –

“Final notices

- (1) The Welsh Ministers may give a final notice to a Welsh public authority only if they have decided in accordance with section (*Matters to be determined before a final notice is given* (No. 2)) to impose a requirement under this Part on the authority.
- (2) The final notice must –
 - (a) identify the EU financial sanction to which the notice relates;
 - (b) specify the total amount of the sanction (see subsection (3)) and, where relevant, the amount and frequency of any future periodic payments (see subsection (4));
 - (c) describe the acts of the authority that the Welsh Ministers have under section (*Matters to be determined before a final notice is given* (No. 2))(4) determined –
 - (i) have caused or contributed to the infraction of EU law concerned; or
 - (ii) have caused or contributed, or will continue to cause or contribute, to the continuation of that infraction;
 and set out the reasons for that determination;
 - (d) summarise the other determinations made by the Welsh Ministers under section (*Matters to be determined before a final notice is given* (No. 2))(4) and set out the reasons for making them;
 - (e) specify the amount required to be paid by the authority towards the total amount of the sanction and when it is to be paid (and if it is to be paid in instalments, the instalments and the date on which they become payable);
 - (f) specify the amount or proportion required to be paid towards any future periodic payment (as defined for the purposes of paragraph (b)) and the time when that amount is to be paid (or, if the notice so provides, the time when two or more such amounts are to be paid); and
 - (g) specify how and to whom payments are to be made.
- (3) In subsection (2)(b) and (e) the “total amount of the sanction” means the sum of the following –
 - (a) the amount of the lump sum (if any) due from the United Kingdom under the terms of the EU financial sanction (disregarding any amount that falls to be excluded from the lump sum by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2)); and
 - (b) the total amount of the periodic payments (if any) which have fallen due from the United Kingdom on or before a day specified in the

final notice (disregarding any amount that falls to be excluded from any of those payments by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2)); and the day specified for the purposes of paragraph (b) must be no later than the day on which the final notice is given to the authority.

- (4) In subsection (2)(b) “future periodic payments” means periodic payments due from the United Kingdom other than –
- (a) any periodic payment taken into account in calculating the total amount of the sanction; or
 - (b) any periodic payment, or any part of a periodic payment, that falls to be excluded from the EU financial sanction by virtue of section (*The EU financial sanctions to which Part (EU financial sanctions: Wales) applies*)(2).
- (5) The requirement to make payments towards periodic payments falling due from the United Kingdom after the notice is given continues so long as those periodic payments continue to fall due, unless the Welsh Ministers give the authority a notice under this subsection terminating the requirement or varying it so as to make it less onerous for the authority.
- (6) A notice under subsection (5) may be given, either on the application of the authority or without such an application, where the Welsh Ministers consider it appropriate in the light of a change in the circumstances which applied when the final notice was given or when it was last varied (as the case may be).
- (7) The Welsh Ministers may –
- (a) consult the panel, or refer any matter relating to the possible termination or variation of the requirement for its advice or recommendations;
 - (b) invite the authority to make representations; and
 - (c) if the authority has any functions other than Welsh devolved functions, invite the appropriate national authority to make representations,
- before deciding whether to terminate or vary the requirement mentioned in subsection (5).
- (8) If the authority makes an application under subsection (6) the Welsh Ministers may by notice to the authority suspend the requirement until further notice (but this does not affect the liability to make any payment once the suspension is ended, unless the final notice is varied to have that effect).”

94 Insert the following new Clause –

“Interpretation of Part: general

In this Part –

“act” includes omission;

“the appropriate national authority”, in relation to a Welsh public authority with any functions other than Welsh devolved functions, has the meaning given by section (*Meaning of “Welsh public authority” and related terms*)(5);

“Article 260(2) proceedings” has the meaning given by section (*Power to require Welsh public authorities to make payments in respect of certain EU financial sanctions*)(5)(c);

“Court of Justice” means the Court of Justice of the European Union;

“EU financial sanction” has the meaning given by section (*Power to require Welsh public authorities to make payments in respect of certain EU financial sanctions*)(5)(a);

“final notice” means a notice under section (*Final notices*);

“functions” and “Welsh devolved functions” are to be construed in accordance with section (*Meaning of “Welsh public authority” and related terms*)(3) and (4);

“infraction of EU law”, in relation to an EU financial sanction, has the meaning given by section (*Power to require Welsh public authorities to make payments in respect of certain EU financial sanctions*)(5)(b);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“periodic payment”, in relation to an EU financial sanction that is or includes a penalty payment, means a payment due under the terms of the penalty payment;

“warning notice” means a notice under section (*Warning notices*);

“Welsh public authority” has the meaning given in section (*Meaning of “Welsh public authority” and related terms*)(2).”

Clause 39

95 Page 36, line 13, at end insert –

“(8) Sub-paragraph (6) of paragraph 4 of Schedule 8 to the Local Government Finance Act 1988 (contributions regulations for a financial year to be in force by preceding 1 January) does not apply to regulations under that paragraph in their application to the financial year beginning in 2012 so far as they make provision related to the operation of section 47 of that Act as amended by this Act.”

Clause 42

96 Leave out Clause 42

Clause 43

97 Leave out Clause 43

Clause 44

98 Leave out Clause 44

Clause 45

99 Leave out Clause 45

Clause 46

100 Leave out Clause 46

		Clause 47
101	Leave out Clause 47	
		Clause 48
102	Leave out Clause 48	
		Clause 49
103	Leave out Clause 49	
		Clause 50
104	Leave out Clause 50	
		Clause 51
105	Leave out Clause 51	
		Clause 52
106	Leave out Clause 52	
		Clause 53
107	Leave out Clause 53	
		Clause 54
108	Leave out Clause 54	
		Clause 55
109	Leave out Clause 55	
		Clause 56
110	Leave out Clause 56	
		Clause 57
111	Leave out Clause 57	
		Clause 58
112	Leave out Clause 58	
		Clause 61
113	Page 47, line 17, leave out “and (e)” and insert “, (e) and (f)”	
		Clause 62
114	Page 49, line 34, leave out second “a” and insert “the”	

Clause 68

115 Page 57, line 35, at end insert –

“(2A) The persons or bodies who may be specified by regulations under subsection (2)(d) include a Minister of the Crown or a government department.”

116 Page 57, line 41, after “functions” insert “in relation to England”

117 Page 58, line 16, after second “body” insert “, other than a public or local authority,”

Clause 69

118 Page 58, line 35, leave out subsection (5)

Clause 70

119 Page 59, line 7, leave out subsection (4) and insert –

“(4) A relevant authority must specify –

(a) the minimum period that will elapse between –

(i) the date of the relevant authority’s decision to accept an expression of interest, and

(ii) the date on which it will begin the procurement exercise required by subsection (2) as a result of that acceptance, and

(b) the maximum period that will elapse between those dates.

(4A) The relevant authority may specify different periods for different cases.

(4B) The relevant authority must publish details of a specification under subsection (4) in such manner as it thinks fit (which must include publication on the authority’s website).

(4C) The relevant authority must comply with a specification under subsection (4).”

Clause 71

120 Page 59, line 30, leave out subsection (3) and insert –

“(3) A relevant authority must specify the maximum period that will elapse between –

(a) the date on which it receives an expression of interest submitted by a relevant body, and

(b) the date on which it notifies the relevant body of its decision in respect of the expression of interest.

(3A) The relevant authority may specify different periods for different cases.

(3B) The relevant authority must publish details of a specification under subsection (3) in such manner as it thinks fit (which must include publication on the authority’s website).

(3C) A relevant authority that receives an expression of interest from a relevant body in accordance with this Chapter must notify the relevant body in writing of the period within which it expects to notify the relevant body of its decision in respect of the expression of interest.

- (3D) The relevant authority must give the notification under subsection (3C) –
- (a) where the expression of interest is one to which a specification under section 69(2) relates and is made within a period so specified, within the period of 30 days beginning immediately after the end of the period so specified, or
 - (b) otherwise, within the period of 30 days beginning with the day on which the relevant authority receives the expression of interest.”

121 Page 59, line 34, leave out from “of” to “and” in line 35 and insert “its decision in respect of the expression of interest within the period specified by it under subsection (3),”

Clause 75

122 Page 61, line 36, leave out from “Chapter” to end of line 39 and insert “but subject to regulations under subsection (2), a building or other land in a local authority’s area is land of community value if in the opinion of the authority –

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(1A) For the purposes of this Chapter but subject to regulations under subsection (2), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority –

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

(2) The appropriate authority may by regulations –”

123 Page 61, line 40, leave out from “that” to “a” in line 41

124 Page 62, line 1, leave out from “that” to first “a” in line 2

125 Page 62, line 6, leave out paragraph (c)

126 Page 62, line 25, at end insert –

““social interests” includes (in particular) each of the following –

- (a) cultural interests;
- (b) recreational interests;
- (c) sporting interests;”

Clause 76

127 Page 62, line 31, after “value” insert “only”

128 Page 62, line 43, leave out from “person” to end of line 44 and insert “that is a voluntary or community body with a local connection.”

- 129 Page 63, line 2, leave out paragraph (b)
- 130 Page 63, line 3, at end insert—
- “(za) the meaning in subsection (2)(b)(iii) of “voluntary or community body”;
 - (zb) the conditions that have to be met for a person to have a local connection for the purposes of subsection (2)(b)(iii);”

Clause 78

- 131 Page 63, line 38, at end insert—
- “but where it appears to the authority that it is not reasonably practicable to give a notice under this subsection to a person to whom it is required to be given, the authority must instead take reasonable alternative steps for the purpose of bringing the notice to the person’s attention.”
- 132 Page 64, line 4, leave out subsection (5)

Clause 80

- 133 Page 65, line 9, after “land” insert “—
- (a) may (but need not) be removed from the list by the authority after it has been in the list for 5 years, and
 - (b) while it is in the list,”
- 134 Page 65, line 12, leave out subsection (4)

Clause 81

- 135 Page 65, line 35, leave out subsection (2)

Clause 82

- 136 Page 66, line 11, at beginning insert “A person who is”
- 137 Page 66, line 14, leave out “the owner” and insert “that particular person”
- 138 Page 66, line 14, leave out “the owner’s” and insert “that person’s”
- 139 Page 66, line 17, leave out “or the owner”
- 140 Page 66, line 23, after “land” insert “—
- (a) if the disposal is by way of gift (including a gift to trustees of any trusts by way of settlement upon the trusts),
 - (b) if the disposal is by personal representatives of a deceased person in satisfaction of an entitlement under the will, or on the intestacy, of the deceased person,
 - (c) if the disposal is by personal representatives of a deceased person in order to raise money to—
 - (i) pay debts of the deceased person,
 - (ii) pay taxes,
 - (iii) pay costs of administering the deceased person’s estate, or
 - (iv) pay pecuniary legacies or satisfy some other entitlement under the will, or on the intestacy, of the deceased person,

- (d) if the person, or one of the persons, making the disposal is a member of the family of the person, or one of the persons, to whom the disposal is made,
- (e) if the disposal is a part-listed disposal of a description specified in regulations made by the appropriate national authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –
 - (i) part of which is land included in a local authority’s list of assets of community value, and
 - (ii) part of which is land not included in any local authority’s list of assets of community value,
- (f) if the disposal is of an estate in land on which a business is carried on and is at the same time, and to the same person, as a disposal of that business as a going concern,
- (g) if the disposal is occasioned by a person ceasing to be, or becoming, a trustee,
- (h) if the disposal is by trustees of any trusts –
 - (i) in satisfaction of an entitlement under the trusts, or
 - (ii) in exercise of a power conferred by the trusts to re-settle trust property on other trusts,
- (i) if the disposal is occasioned by a person ceasing to be, or becoming, a partner in a partnership, or
- (j) ”

141 Page 66, line 29, leave out “prescribed period” and insert “six months”

142 Page 66, line 32, leave out “prescribed period” and insert “six weeks”

143 Page 66, line 36, leave out “prescribed period” and insert “eighteen months”

144 Page 66, line 37, at end insert –

“(6A) For the purposes of subsection (5)(d), a person (“M”) is a member of the family of another person if M is –

- (a) that other person’s spouse or civil partner, or
- (b) a lineal descendant of a grandparent of that other person.

(6B) For the purposes of subsection (6A)(b) a relationship by marriage or civil partnership is to be treated as a relationship by blood.”

145 Page 66, line 38, leave out subsection (7)

Clause 83

146 Page 67, line 7, leave out “, assignment or surrender” and insert “or assignment”

147 Page 67, line 8, leave out “, assignment or surrender” and insert “or assignment”

After Clause 84

148 Insert the following new Clause –

“Informing owner of request to be treated as bidder

- (1) Subsection (2) applies if –

- (a) after a local authority has received notice under section 82(2) in respect of land included in the authority's list of assets of community value, and
 - (b) before the end of the interim moratorium period that applies under section 82 as a result of the notice,
- the authority receives from a community interest group a written request (however expressed) for the group to be treated as a potential bidder in relation to the land.
- (2) The authority must, as soon after receiving the request as is practicable, either pass on the request to the owner of the land or inform the owner of the details of the request.
 - (3) In this section "community interest group" means a person who is a community interest group for the purposes of section 82(3) as a result of regulations made under section 82(6) by the appropriate authority."

Clause 85

- 149** Page 68, line 9, at end insert –
 “(vii) appeals against decisions made under the regulations.”

After Clause 87

- 150** Insert the following new Clause –

“Co-operation

If different parts of any land are in different local authority areas, the local authorities concerned must co-operate with each other in carrying out functions under this Chapter in relation to the land or any part of it.”

Clause 94

- 151** Page 71, line 32, after “sections” insert “70(5),”
- 152** Page 71, line 32, after “82(1)” insert “and (2)”
- 153** Page 71, line 33, leave out “(effect” and insert “(interpretation and effect”
- 154** Page 71, line 40, leave out subsections (3) and (4) and insert –
- “(3) The Secretary of State may by order revoke the whole or any part of a regional strategy under Part 5 of that Act.
 - (3A) An order under subsection (3) may, in particular, revoke all of the regional strategies (or all of the remaining regional strategies) under Part 5 of that Act.
 - (3B) The Secretary of State may by order revoke the whole or any part of a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (directions preserving development plan policies) if and so far as it relates to a policy contained in a structure plan.
 - (3C) An order under subsection (3B) may, in particular, revoke all directions (or all remaining directions) under paragraph 1(3) of that Schedule so far as they relate to policies contained in structure plans.”

Clause 95

155 Page 73, line 38, leave out “(1)(b)” and insert “(1)(c)”

Clause 97

156 Page 75, line 19, at end insert –

“(7AA) Subsection (7B) applies where the person appointed to carry out the examination –

- (a) does not consider that, in all the circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but
- (b) does consider that, in all the circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document’s preparation.”

Clause 100

157 Page 79, line 15, leave out from “section” to end of line 20 and insert “205(2) (requirement to aim to ensure that overall purpose of the levy is to ensure that costs of providing infrastructure to support development of an area can be funded by owners or developers of land) –

- (a) for “providing infrastructure to support” substitute “supporting”, and
- (b) after “land” insert “in a way that does not make development of the area economically unviable”.

(2A) In the Table in section 205(3) (which describes the provisions of the Part) for “Section 216” substitute “Sections 216 to 216B”.

(2B) In section 211(4) (particular provision that may be included in regulations about setting rates, or other criteria, by reference to which the amount of levy chargeable is to be determined) after paragraph (a) insert –

- “(aa) to have regard, to the extent and in the manner specified by the regulations, to actual and expected costs of anything other than infrastructure that is concerned with addressing demands that development places on an area (whether by reference to lists prepared by virtue of section 216(5)(a) or otherwise);
- (ab) to have regard, to the extent and in the manner specified by the regulations, to other actual and expected sources of funding for anything other than infrastructure that is concerned with addressing demands that development places on an area;”.

158 Page 79, line 21, at end insert –

“(za) in subsection (1) (levy to be used to fund infrastructure, or pay compensation under section 219) –

- (i) for “section” substitute “sections 216A(1), 216B(2) and”, and
- (ii) for “funding infrastructure” substitute “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”,

- (zb) in subsection (2) (meaning of “infrastructure” in subsection (1)) for “subsection (1)” substitute “this section (except subsection (3)) and sections 216A(2) and 216B(2)”,
 - (zc) in subsection (4)(a) (power to specify facilities that are to be, or not to be, funded) for “that are to be, or not to” substitute “whose provision, improvement or replacement may or is to be, or may not”,
- 159** Page 79, line 24, leave out “, operational and promotional activities” and insert “activities and operational activities (including operational activities of a promotional kind) in connection with infrastructure”
- 160** Page 79, line 26, leave out “and” and insert—
- “(ab) things within section 216A(2)(b) that may or are to be, or may not be, funded by CIL passed to a person in discharge of a duty under section 216A(1),
 - (ac) things within section 216B(2)(b) that may or are to be, or may not be, funded by CIL to which provision under section 216B(2) relates,”
 - (aa) in subsection (4)(b) (power to specify criteria for determining areas in relation to which infrastructure may be funded) for “in relation to which infrastructure may be funded” substitute “that may benefit from funding”,
 - (ab) in subsection (5)(a) (power to require authorities to list projects that are to be, or may be, funded) for “projects that are” substitute “what is”,
 - (ac) in subsection (5)(c) (power to make provision about funding projects not on list) for “projects” substitute “anything”,
- 161** Page 79, line 28, leave out from “projects)” to end of line 29 and insert “for “on future projects” substitute “in the future”,
- (c) in subsection (6)(c) (regulations may permit funding of administrative expenses in connection with infrastructure) after “infrastructure” insert “or anything within section 216A(2)(b) or 216B(2)(b)”, and
 - (d) in subsection (6)(e) (regulations may make provision for the use of funding where the projects to be funded no longer require funding)—
 - (i) for “the projects” substitute “anything”, and
 - (ii) for “require” substitute “requires”.
- 162** Page 79, line 36, leave out from “to” to end of line 39 and insert “support the development of the area to which the duty relates, or of any part of that area, by funding—
- (a) the provision, improvement, replacement, operation or maintenance of infrastructure, or
 - (b) anything else that is concerned with addressing demands that development places on an area.”
- 163** Page 80, line 20, leave out “infrastructure” and insert “anything”
- 164** Page 80, line 26, leave out “infrastructure” and insert “anything”
- 165** Page 80, line 29, at end insert—

“216B Use of CIL in an area to which section 216A(1) duty does not relate

- (1) Subsection (2) applies where –
 - (a) there is an area to which a particular duty under section 216A(1) relates, and
 - (b) there is also an area to which that duty does not relate (“the uncovered area”).
- (2) CIL regulations may provide that the charging authority that charges CIL received in respect of development of land in the uncovered area may apply the CIL, or cause it to be applied, to –
 - (a) support development by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or
 - (b) support development of the uncovered area, or of any part of that area, by funding anything else that is concerned with addressing demands that development places on an area.
- (3) Provision under subsection (2) may relate to the whole, or part only, of the uncovered area.
- (4) Provision under subsection (2) may relate –
 - (a) to all CIL (if any) received in respect of the area to which the provision relates, or
 - (b) such part of that CIL as is specified in, or determined under or in accordance with, CIL regulations.”

Clause 108

166 Page 87, line 3, leave out “an” and insert “a pre-existing”

167 Page 87, line 5, at end insert –

- “(2) For the purposes of the operation of this section in relation to any particular application for planning permission, a “pre-existing enforcement notice” is an enforcement notice issued before the application was received by the local planning authority.”

Clause 109

168 Page 89, line 17, leave out from beginning to “and” in line 19 and insert “apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons,”

169 Page 89, leave out lines 22 to 25

After Clause 109

170 Insert the following new Clause –

“Assurance as regards prosecution for person served with enforcement notice

In the Town and Country Planning Act 1990 after section 172 (issue and service of enforcement notice) insert –

“172A Assurance as regards prosecution for person served with notice

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter –
 - (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - (b) giving the person one of the following assurances –
 - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - (c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.
- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.””

Clause 111

- 171 Page 91, line 30, after “(5)” insert “and the right of appeal under section 225AA”
- 172 Page 91, line 35, leave out “made”
- 173 Page 92, line 19, leave out “within the period” and insert “by the time”
- 174 Page 93, line 16, at end insert –

“225AA Appeal against notice under section 225A

- (1) A person on whom a removal notice has been served in accordance with section 225A(3) or (5)(b) may appeal to a magistrates’ court on any of the following grounds –
 - (a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;
 - (b) that there has been some informality, defect or error in, or in connection with, the notice;
 - (c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure;
 - (d) that the notice should have been served on another person.
- (2) For the purposes of subsection (3), a person is a “permitted appellant” in relation to a removal notice if –
 - (a) the removal notice has been fixed or exhibited in accordance with section 225A(5)(a);
 - (b) the person is an owner or occupier of the land on which the display structure concerned is situated; and
 - (c) no copy of the removal notice has been served on the person in accordance with section 225A(5)(b).
- (3) A person who is a permitted appellant in relation to a removal notice may appeal to a magistrates’ court on any of the following grounds –
 - (a) that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;
 - (b) that there has been some informality, defect or error in, or in connection with, the notice;
 - (c) that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure.
- (4) So far as an appeal under this section is based on the ground mentioned in subsection (1)(b) or (3)(b), the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (5) If an appeal under subsection (1) is based on the ground mentioned in subsection (1)(d), the appellant must serve a copy of the notice of appeal on each person who the appellant considers is a person on whom the removal notice should have been served in accordance with section 225A(3) or (5)(b).
- (6) If –
 - (a) a removal notice is served on a person in accordance with section 225A(3) or (5)(b), and
 - (b) the local planning authority bring proceedings against the person for the recovery under section 225A(7) of any expenses,it is not open to the person to raise in the proceedings any question which the person could have raised in an appeal under subsection (1).

- (7) In this section “removal notice” and “display structure” have the same meaning as in section 225A.”

175 Page 100, leave out lines 21 and 22

Clause 115

176 Page 106, line 12, leave out “subsection (5)” and insert “this section”

177 Page 106, leave out lines 20 to 24

178 Page 106, line 26, at end insert –

- “(8A) An order under subsection (5) may not affect –
- (a) a requirement for a devolved consent to be obtained for, or given in relation to, development, or
 - (b) whether development may be authorised by a devolved consent.
- (8B) A consent is “devolved” for the purposes of subsection (8A) if –
- (a) provision for the consent would be within the legislative competence of the National Assembly for Wales if the provision were contained in an Act of the Assembly,
 - (b) provision for the consent is, or could be, made by the Welsh Ministers in an instrument made under an Act,
 - (c) the consent is not within subsection (6)(c) and the Welsh Ministers have a power or duty –
 - (i) to decide, or give directions as to how to decide, whether the consent is given,
 - (ii) to decide, or give directions as to how to decide, some or all of the terms on which the consent is given, or
 - (iii) to revoke or vary the consent, or
 - (d) the consent is within subsection (6)(c) and the notice has to be given to the Welsh Ministers or otherwise brought to their attention.”

After Clause 120

179 Insert the following new Clause –

“Acceptance of applications for development consent

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 55(3) (conditions for acceptance of application) omit paragraphs (b) and (d) (application may be accepted only if it complies with requirements as to form and contents and with any standards set, and gives reasons for any failure to follow applicable guidance).
- (3) In section 55(3) after paragraph (e) insert “, and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.”
- (4) In section 55 after subsection (5) insert –

- “(5A) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must have regard to the extent to which –
- (a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and
 - (b) any applicable guidance given under section 37(4) has been followed in relation to the application.”
- (5) In section 37(3) (requirements as to form and contents of application) after “must” insert “, so far as necessary to secure that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory”.”

After Clause 121

180 Insert the following new Clause –

“Timetables for reports and decisions on applications for development consent

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 98(3) (Examining authority must report on application within 3 months beginning with deadline for completing its examination) for the words from “beginning” onwards substitute “beginning with –
 - (a) the deadline for completion of its examination of the application, or
 - (b) (if earlier) the end of the day on which it completes the examination.”
- (3) In section 107(1) (which provides for the application to be decided within 3 months of the start day but is amended by this Act to provide for decision within 3 months of the deadline under section 98(3)) –
 - (a) for “with the” substitute “with –
 - (a) the”, and
 - (b) at the end insert “, or
 - (b) (if earlier) the end of the day on which the Secretary of State receives a report on the application under section 74(2)(b) or 83(1)(b).”

After Clause 122

181 Insert the following new Clause –

“Local authority, statutory undertakers’ and National Trust land

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 128(3) (order authorising compulsory acquisition of local authority or statutory undertakers’ land subject to special parliamentary procedure if representation made by the authority or statutory undertakers and not withdrawn) –
 - (a) after paragraph (a) (but before the “and” at the end of that paragraph) insert –

- “(aa) the representation contains an objection to the compulsory acquisition of the land,” and
 - (b) in paragraph (b) (condition that representation has not been withdrawn) for “representation” substitute “objection”.
- (3) In section 130(3) (order authorising compulsory acquisition of certain National Trust land subject to special parliamentary procedure if representation made by National Trust and not withdrawn) –
- (a) after paragraph (a) (but before the “and” at the end of that paragraph) insert –
 - “(aa) the representation contains an objection to the compulsory acquisition of the land,” and
 - (b) in paragraph (b) (condition that representation has not been withdrawn) for “representation” substitute “objection”.

Clause 124

182 Page 117, line 30, at end insert –

- “(5) The amendments made by this section do not alter –
- (a) whether under subsection (2) of section 70 of the Town and Country Planning Act 1990 regard is to be had to any particular consideration, or
 - (b) the weight to be given to any consideration to which regard is had under that subsection.”

Clause 135

183 Page 127, line 30, leave out “secure” and insert “flexible”

184 Page 127, line 39, leave out “(“the original flexible tenancy”)”

185 Page 127, leave out line 41 and insert “that is a flexible tenancy for a term certain of the length specified in the notice, and sets out the other express terms of the tenancy, and

- (e) the length of the term specified in the notice is at least two years.
- (3A) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of subsection (3) is that specified in the notice under paragraph 4ZA(2) of Schedule 1.
- (3B) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.”

Clause 136

186 Page 131, line 23, leave out subsection (6)

187 Page 131, line 31, leave out “the purposes of the Housing Act 1985” and insert “a term certain”

188 Page 131, line 38, leave out from second “tenancy” to end of line 39 and insert “that would be a flexible tenancy for a term certain of the length specified in the notice,”

189 Page 132, line 1, after “specifying” insert “a period of at least two years as”

- 190 Page 132, line 1, at end insert “, and
(c) setting out the other express terms of the tenancy.
(3) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of this section is that specified in the notice under subsection (2).
(4) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.””
- 191 Page 132, line 2, leave out subsection (8)
- 192 Page 132, line 8, leave out “This section” and insert “Subsection (2)”
- 193 Page 132, line 10, after “tenancy” insert “within the meaning of section 107A of the Housing Act 1985”
- 194 Page 132, line 13, at beginning insert “If the landlord has served a notice within subsection (3) on the tenant before the end of the demoted tenancy then,”
- 195 Page 132, line 14, at end insert –
“(3) The notice must –
(a) state that, on ceasing to be a demoted tenancy, the tenancy will become a secure tenancy that is a flexible tenancy for a term certain of the length specified in the notice,
(b) specify a period of at least two years as the length of the term of the tenancy, and
(c) set out the other express terms of the tenancy.
(4) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of this section is that specified in the notice under subsection (3).
(5) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.””
- 196 Page 132, line 15, leave out subsection (10)

Before Clause 137

- 197 Insert the following new Clause –

“Creation of tenancies of social housing

- (1) In section 52 of the Law of Property Act 1925 (requirement that conveyances of land and interests in land be made by deed) in subsection (2) (exceptions) after paragraph (d) insert –
“(da) flexible tenancies;
(db) assured tenancies of dwelling-houses in England that are granted by private registered providers of social housing and are not long tenancies or shared ownership leases;”
- (2) After that subsection insert –

- “(3) In this section –
- “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
 - “dwelling-house” has the same meaning as in Part 1 of the Housing Act 1988;
 - “flexible tenancy” has the meaning given by section 107A of the Housing Act 1985;
 - “long tenancy” means a tenancy granted for a term certain of more than 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
 - “shared ownership lease” means a lease of a dwelling-house –
 - (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
 - (b) under which the lessee (or the lessee’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.”

198 Insert the following new Clause –

“Registration of tenancies of social housing

- (1) The Land Registration Act 2002 is amended as follows.
- (2) In section 3 (voluntary registration of title) after subsection (4) insert –
 - “(4A) A person may not make an application under subsection (2) in respect of a leasehold estate in land under a relevant social housing tenancy.”
- (3) In section 4 (compulsory registration of title) after subsection (5) insert –
 - “(5A) Subsection (1) does not apply to the transfer or grant of a leasehold estate in land under a relevant social housing tenancy.”
- (4) In section 27 (dispositions required to be registered) after subsection (5) insert –
 - “(5A) This section does not apply to –
 - (a) the grant of a term of years absolute under a relevant social housing tenancy, or
 - (b) the express grant of an interest falling within section 1(2) of the Law of Property Act 1925, where the interest is created for the benefit of a leasehold estate in land under a relevant social housing tenancy.”
- (5) In section 33 (interests in respect of which notice may not be entered on the register) after paragraph (b) insert –
 - “(ba) an interest under a relevant social housing tenancy;”.
- (6) In section 132(1) (interpretation) at the appropriate places insert –
 - ““assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;”;
 - ““dwelling-house” has the same meaning as in Part 1 of the Housing Act 1988;”;

““flexible tenancy” has the meaning given by section 107A of the Housing Act 1985;”;

““long tenancy” means a tenancy granted for a term certain of more than 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;”;

““relevant social housing tenancy” means –

- (a) a flexible tenancy, or
- (b) an assured tenancy of a dwelling-house in England granted by a private registered provider of social housing, other than a long tenancy or a shared ownership lease;”;

““shared ownership lease” means a lease of a dwelling-house –

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
- (b) under which the lessee (or the lessee’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house;”.

- (7) In Schedule 1 (unregistered interests which override first registration) after paragraph 1 insert –

“Relevant social housing tenancies

1A A leasehold estate in land under a relevant social housing tenancy.”

- (8) In Schedule 3 (unregistered interests which override registered dispositions) after paragraph 1 insert –

“Relevant social housing tenancies

1A A leasehold estate in land under a relevant social housing tenancy.””

Clause 139

199 Page 134, line 44, leave out from beginning to end of line 5 on page 135

200 Page 135, line 17, at end insert –

“(6) The amendments made by this section do not apply in relation to a secure tenancy that –

- (a) was granted before the day on which this section comes into force, or
- (b) came into being by virtue of section 86 of the Housing Act 1985 (periodic tenancy arising on termination of fixed term) on the coming to an end of a secure tenancy within paragraph (a).”

Clause 140

201 Page 136, line 48, at end insert –

- “(7) This section does not apply to a fixed term assured tenancy that is a lease of a dwelling-house—
- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
 - (b) under which the lessee (or the lessee’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.”

After Clause 140

202 Insert the following new Clause—

“Secure and assured tenancies: recovery of possession after tenant’s death

- (1) In section 90 of the Housing Act 1985 (devolution of fixed term secure tenancy) after subsection (4) insert—
 - “(5) The following provisions apply where a tenancy that was a secure tenancy of a dwelling-house in England—
 - (a) has been vested or otherwise disposed of in the course of the administration of the secure tenant’s estate, and
 - (b) has ceased to be a secure tenancy by virtue of this section.
 - (6) Subject as follows, the landlord may apply to the court for an order for possession of the dwelling-house let under the tenancy.
 - (7) The court may not entertain proceedings for an order for possession under this section unless—
 - (a) the landlord has served notice in writing on the tenant—
 - (i) stating that the landlord requires possession of the dwelling-house, and
 - (ii) specifying a date after which proceedings for an order for possession may be begun, and
 - (b) that date has passed without the tenant giving up possession of the dwelling-house.
 - (8) The date mentioned in subsection (7)(a)(ii) must fall after the end of the period of four weeks beginning with the date on which the notice is served on the tenant.
 - (9) On an application to the court for an order for possession under this section, the court must make such an order if it is satisfied that subsection (5) applies to the tenancy.
 - (10) The tenancy ends when the order is executed.”
- (2) In Part 3 of Schedule 2 to that Act (grounds on which court may order possession of dwelling-house let on secure tenancy if reasonable and if alternative accommodation is available) after Ground 15 insert—

“Ground 15A

The dwelling-house is in England, the accommodation afforded by it is more extensive than is reasonably required by the tenant and—

- (a) the tenancy vested in the tenant by virtue of section 89 (succession to periodic tenancy) or 90 (devolution of term certain) in a case where the tenant was not the previous tenant's spouse or civil partner, and
- (b) notice of the proceedings for possession was served under section 83 (or, where no such notice was served, the proceedings for possession were begun) more than six months but less than twelve months after the relevant date.

For this purpose "the relevant date" is –

- (a) the date of the previous tenant's death, or
- (b) if the court so directs, the date on which, in the opinion of the court, the landlord (or, in the case of joint landlords, any one of them) became aware of the previous tenant's death.

The matters to be taken into account by the court in determining whether it is reasonable to make an order on this ground include –

- (a) the age of the tenant,
- (b) the period (if any) during which the tenant has occupied the dwelling-house as the tenant's only or principal home, and
- (c) any financial or other support given by the tenant to the previous tenant."

- (3) In that Part of that Schedule, in Ground 16 (vesting of tenancy in member of previous tenant's family other than his or her spouse or civil partner) –
 - (a) at the beginning of the first unnumbered paragraph for "The accommodation afforded by the dwelling-house" substitute "The dwelling-house is in Wales, the accommodation afforded by it",
 - (b) in the first unnumbered paragraph –
 - (i) in paragraph (a) after "tenancy)" insert "or 90 (devolution of term certain)", and
 - (ii) in paragraph (b) for "the date of the previous tenant's death" substitute "the relevant date", and
 - (c) after the first unnumbered paragraph insert –

"For this purpose "the relevant date" is –

- (a) the date of the previous tenant's death, or
- (b) if the court so directs, the date on which, in the opinion of the court, the landlord (or, in the case of joint landlords, any one of them) became aware of the previous tenant's death."

- (4) In section 7 of the Housing Act 1988 (orders for possession of assured tenancies) after subsection (6) insert –

“(6A) In the case of a dwelling-house in England, subsection (6)(a) has effect as if it also referred to Ground 7 in Part 1 of Schedule 2 to this Act.”

- (5) In Part 1 of Schedule 2 to that Act (grounds for possession of dwelling-houses let on assured tenancies: grounds on which court must order possession) in Ground 7 (devolution of tenancy under will or intestacy) –

- (a) in the first unnumbered paragraph, after “tenancy)” insert “, or a fixed term tenancy of a dwelling-house in England,”,
- (b) in the second unnumbered paragraph—
 - (i) omit “periodic”, and
 - (ii) after “period” insert “or length of term”, and
- (c) after that paragraph insert—

“This ground does not apply to a fixed term tenancy that is a lease of a dwelling-house—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
- (b) under which the lessee (or the lessee’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.”

Clause 141

203 Page 137, line 7, at end insert—

“(1) In section 20B(2) of the Housing Act 1988 (demoted assured shorthold tenancy lasts for one year unless subsection (3) applies) after “subsection (3) applies” insert “, but see section 20BA”.

(2) ”

204 Page 137, line 8, at end insert—

““20BA Assured shorthold tenancies following demoted tenancies

- (1) Subsection (2) applies if—
 - (a) section 20B applies to an assured shorthold tenancy of a dwelling-house in England (“the demoted tenancy”),
 - (b) the landlord is a private registered provider of social housing,
 - (c) the demoted tenancy was created by an order under section 6A made after the coming into force of section 141(2) of the Localism Act 2011,
 - (d) the assured tenancy that was terminated by that order was an assured shorthold tenancy that, whether or not it was a fixed term tenancy when terminated by the order, was granted for a term certain of not less than two years,
 - (e) apart from subsection (2), the demoted tenancy would cease to be an assured shorthold tenancy by virtue of section 20B(2) or (4), and
 - (f) the landlord has served a notice within subsection (3) on the tenant before the demoted tenancy ceases to be an assured shorthold tenancy by virtue of section 20B(2) or (4).
- (2) The demoted tenancy does not cease to be an assured shorthold tenancy by virtue of section 20B(2) or (4), and at the time when it would otherwise cease to be an assured shorthold tenancy by virtue of section 20B(2) to (4)—
 - (a) it becomes an assured shorthold tenancy which is a fixed term tenancy for a term certain, and

- (b) section 20B ceases to apply to it.
- (3) The notice must –
 - (a) state that, on ceasing to be a demoted assured shorthold tenancy, the tenancy will become an assured shorthold tenancy which is a fixed term tenancy for a term certain of the length specified in the notice,
 - (b) specify a period of at least two years as the length of the term of the tenancy, and
 - (c) set out the other express terms of the tenancy.
- (4) Where an assured shorthold tenancy becomes a fixed term tenancy by virtue of subsection (2) –
 - (a) the length of its term is that specified in the notice under subsection (3), and
 - (b) its other express terms are those set out in the notice.”
- (3) Before section 21 of the Housing Act 1988 insert –”
- 205 Page 137, line 14, at end insert –
 - (aa) the dwelling-house is in England,”
- 206 Page 137, line 21, leave out “141” and insert “141(3)”

Clause 142

- 207 Page 137, line 26, after “tenancy” insert “of a dwelling-house in England”

Clause 144

- 208 Page 138, line 20, after “dwelling-house” insert “in England”

Clause 158

- 209 Page 144, line 7, after “person” insert “unless paragraph 7AA applies”
- 210 Page 144, line 11, at end insert –
 - “(1A) Sub-paragraph (1) is subject to paragraph 7AA (complaints that need not be made by way of referral).”
- 211 Page 144, line 33, at end insert –

“Complaints that need not be made by way of referral by designated person

- 7AA(1) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if the ombudsman is satisfied that –
 - (a) the social landlord has procedures for considering complaints against the social landlord,
 - (b) the matter that forms the subject of the complaint has been submitted to those procedures,
 - (c) those procedures have been exhausted, and
 - (d) the complaint has been made to the ombudsman after the end of the eight weeks beginning with the day on which those procedures were exhausted.

- (2) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if—
 - (a) the ombudsman is satisfied that a designated person—
 - (i) has refused to refer the complaint to a housing ombudsman under an approved scheme, or
 - (ii) has agreed to the complaint being made otherwise than by way of a referral by a designated person, and
 - (b) the refusal, or agreement, is in writing or the ombudsman is satisfied that it has been confirmed in writing.
- (3) Paragraph 7A(2) (meaning of “designated person”) applies also for the purposes of sub-paragraph (2).”

After Clause 161

212 Insert the following new Clause—

“Tenants’ deposits

Tenancy deposit schemes

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 213 (requirements relating to tenancy deposits)—
 - (a) in subsection (3) (landlord’s requirement to comply with initial requirements within 14 days of receipt of deposit) for “14” substitute “30”, and
 - (b) in subsection (6)(b) (landlord’s requirement to give tenant information within 14 days of receipt of deposit) for “14” substitute “30”.
- (3) Section 214 (proceedings relating to tenancy deposits) is amended as follows.
- (4) In subsection (1) (grounds for an application to a county court) for paragraph (a) substitute—
 - “(a) that section 213(3) or (6) has not been complied with in relation to the deposit, or”.
- (5) After subsection (1) insert—
 - “(1A) Subsection (1) also applies in a case where the tenancy has ended, and in such a case the reference in subsection (1) to the tenant is to a person who was a tenant under the tenancy.”
- (6) In subsection (2) (conditions for a remedy)—
 - (a) in the opening words for “if on such an application” substitute “in the case of an application under subsection (1) if the tenancy has not ended and”, and
 - (b) for paragraph (a) substitute—
 - “(a) is satisfied that section 213(3) or (6) has not been complied with in relation to the deposit, or”.
- (7) After subsection (2) insert—

- “(2A) Subsections (3A) and (4) apply in the case of an application under subsection (1) if the tenancy has ended (whether before or after the making of the application) and the court—
- (a) is satisfied that section 213(3) or (6) has not been complied with in relation to the deposit, or
 - (b) is not satisfied that the deposit is being held in accordance with an authorised scheme,
- as the case may be.”
- (8) After subsection (3) insert—
- “(3A) The court may order the person who appears to the court to be holding the deposit to repay all or part of it to the applicant within the period of 14 days beginning with the date of the making of the order.”
- (9) In subsection (4) (amount of penalty payment)—
- (a) omit “also”, and
 - (b) for “equal to” substitute “not less than the amount of the deposit and not more than”.
- (10) Section 215 (sanctions for non-compliance) is amended as follows.
- (11) In subsection (1) (prevention of service of notice under section 21 of the Housing Act 1988)—
- (a) at the beginning insert “Subject to subsection (2A),”, and
 - (b) for paragraph (b) substitute—
 - “(b) section 213(3) has not been complied with in relation to the deposit.”
- (12) In subsection (2) (prevention of service of notice under section 21 of the Housing Act 1988) at the beginning insert “Subject to subsection (2A),”.
- (13) After subsection (2) insert—
- “(2A) Subsections (1) and (2) do not apply in a case where—
- (a) the deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or
 - (b) an application to a county court has been made under section 214(1) and has been determined by the court, withdrawn or settled by agreement between the parties.”
- (14) In Schedule 10 (provisions relating to tenancy deposit schemes) in paragraph 5A(9)(b) (modification of section 213(3)) for “14” substitute “30”.

213 Insert the following new Clause—

“Houses in multiple occupation

Exemption from HMO licensing for buildings run by co-operatives

- (1) In Schedule 14 to the Housing Act 2004 (buildings which are not HMOs for the purposes of that Act (excluding Part 1)) after paragraph 2A insert—

“Buildings controlled or managed by a co-operative society

- 2B (1) A building where –
- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
 - (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.
- (2) The conditions are –
- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
 - (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
 - (c) that each member has equal voting rights at such a meeting, and
 - (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member’s invitation.
- (3) For the purposes of sub-paragraph (1) “co-operative society” means a body that –
- (a) is registered –
 - (i) as a co-operative society under section 1 of the 1965 Act, or
 - (ii) is a pre-2010 Act society (as defined by section 4A(1) of the 1965 Act) which meets the condition in section 1(2) of the 1965 Act, and
 - (b) is neither –
 - (i) a non-profit registered provider of social housing, nor
 - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.
- (4) In this paragraph –
- “the 1965 Act” means the Co-operative and Community Benefit Societies and Credit Unions Act 1965;
 - “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
 - “protected tenancy” has the same meaning as in the Rent Act 1977;
 - “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.”
- (2) Until the coming into force of section 1 of the 2010 Act, the paragraph 2B inserted by subsection (1) of this section has effect as if for sub-paragraph (3)(a) of that paragraph there were substituted –
- “(a) is a society registered, or treated as registered, under section 1 of the 1965 Act in the case of which the condition

in section 1(2)(a) of that Act is fulfilled (bona fide co-operative society),”.

- (3) Until the coming into force of section 2 of the 2010 Act, the paragraph 2B inserted by subsection (1) of this section has effect as if in sub-paragraph (4) of that paragraph “Industrial and Provident Societies Act 1965” were substituted for “Co-operative and Community Benefit Societies and Credit Unions Act 1965”.
- (4) In subsections (2) and (3) “the 2010 Act” means the Co-operative and Community Benefit Societies and Credit Unions Act 2010.”

Clause 169

214 Page 160, line 45, leave out “, as from time to time amended,”

Clause 173

215 Page 162, line 14, after “Assembly” insert “or a consultee under subsection (4)(d), (e), (f) or (g) that are comments”

Clause 177

216 Page 165, line 39, at end insert –
 “(aa) subsection (4) does not apply to the exercise of a function by an MDC in consequence of an authorisation under section 38 of the Greater London Authority Act 1999 (delegation by Mayor),”

Clause 178

217 Page 166, line 34, after “Assembly” insert “or an affected local authority that are comments”

218 Page 166, line 35, at end insert –
 “In paragraph (c) “affected local authority” means a person specified by section 173(4)(d), (e), (f) or (g) in relation to the area.”

Clause 180

219 Page 167, line 28, leave out “or (3)” and insert “, (3) or (4)”

220 Page 167, line 35, leave out “178(4)” and insert “178(5)”

Clause 190

221 Page 172, line 24, after “Assembly” insert “or an affected local authority that are comments”

222 Page 172, line 25, at end insert –
 “In paragraph (c) “affected local authority” means a person specified by section 173(4)(d), (e), (f) or (g) in relation to the area.”

Clause 194

223 Page 174, line 36, leave out “, as from time to time amended,”

Clause 199

224 Page 176, line 27, at end insert –

- “(3A) Before making or varying a delegation under subsection (1) above, a Minister of the Crown must consult –
- (a) each London borough council,
 - (b) the Common Council, and
 - (c) the Assembly.”

After Clause 205

225 Insert the following new Clause –

“Sharing of administrative etc services by London authorities

- (1) Section 401A of the Greater London Authority Act 1999 (sharing of administrative etc services by the Greater London Authority and functional bodies) is amended as follows.
- (2) In subsection (1) (definition of “constituent body”) –
 - (a) for “constituent body” substitute “relevant London authority”, and
 - (b) at the end of paragraph (b) insert “,
 - (c) the London Pensions Fund Authority,
 - (d) the London Transport Users’ Committee,
 - (e) the Commissioner of Police of the Metropolis, and
 - (f) such person or body falling within subsection (1A) as the Secretary of State may specify by order.”
- (3) After that subsection insert –

“(1A) A person or body falls within this subsection if the person or body exercises functions of a public nature in relation only to –

 - (a) Greater London,
 - (b) a part of Greater London, or
 - (c) a part of England including Greater London or a part of Greater London.”
- (4) In subsection (2) (power of constituent bodies to enter into arrangements for provision of administrative etc services), for “constituent bodies” substitute “relevant London authorities”.
- (5) In subsection (3) (arrangements may include discharge of functions by one constituent body on behalf of another) –
 - (a) for “constituent bodies” substitute “relevant London authorities”, and
 - (b) for “constituent body” substitute “relevant London authority”.
- (6) In subsection (4) (power of constituent bodies to form joint committees) for “constituent bodies” substitute “relevant London authorities”.
- (7) In subsection (5) (joint committee to be treated as separate from constituent bodies for purposes of section) –
 - (a) for “constituent body” substitute “relevant London authority”, and
 - (b) for “constituent bodies” substitute “relevant London authorities”.
- (8) After subsection (6) insert –

- “(6A) The Secretary of State must consult a person or body before making an order under subsection (1)(f) specifying that person or body.”
- (9) In section 420(8) of that Act (orders subject to annulment) after the entry for section 395 insert “401A(1)(f);”.

After Clause 206

226 Insert the following new Clause –

“PART 7A

COMPENSATION FOR COMPULSORY ACQUISITION

Taking account of planning permission when assessing compensation

- (1) The Land Compensation Act 1961 is amended as follows.
- (2) For sections 14 to 16 (assumptions as to planning permission) substitute –
- “14 Taking account of actual or prospective planning permission**
- (1) This section is about assessing the value of land in accordance with rule (2) in section 5 for the purpose of assessing compensation in respect of a compulsory acquisition of an interest in land.
- (2) In consequence of that rule, account may be taken –
- (a) of planning permission, whether for development on the relevant land or other land, if it is in force at the relevant valuation date, and
 - (b) of the prospect, on the assumptions set out in subsection (5) but otherwise in the circumstances known to the market at the relevant valuation date, of planning permission being granted on or after that date for development, on the relevant land or other land, other than –
 - (i) development for which planning permission is in force at the relevant valuation date, and
 - (ii) appropriate alternative development.
- (3) In addition, it may be assumed –
- (a) that planning permission is in force at the relevant valuation date for any development that is appropriate alternative development to which subsection (4)(b)(i) applies, and
 - (b) that, in the case of any development that is appropriate alternative development to which subsection (4)(b)(ii) applies and subsection (4)(b)(i) does not apply, it is certain at the relevant valuation date that planning permission for that development will be granted at the later time at which at that date it could reasonably have been expected to be granted.
- (4) For the purposes of this section, development is “appropriate alternative development” if –
- (a) it is development, on the relevant land alone or on the relevant land together with other land, other than development for which planning permission is in force at the relevant valuation date, and

- (b) on the assumptions set out in subsection (5) but otherwise in the circumstances known to the market at the relevant valuation date, planning permission for the development could at that date reasonably have been expected to be granted on an application decided –
 - (i) on that date, or
 - (ii) at a time after that date.
- (5) The assumptions referred to in subsections (2)(b) and (4)(b) are –
 - (a) that the scheme of development underlying the acquisition had been cancelled on the launch date,
 - (b) that no action has been taken (including acquisition of any land, and any development or works) by the acquiring authority wholly or mainly for the purposes of the scheme,
 - (c) that there is no prospect of the same scheme, or any other project to meet the same or substantially the same need, being carried out in the exercise of a statutory function or by the exercise of compulsory purchase powers, and
 - (d) if the scheme was for use of the relevant land for or in connection with the construction of a highway (“the scheme highway”), that no highway will be constructed to meet the same or substantially the same need as the scheme highway would have been constructed to meet.
- (6) In subsection (5)(a) “the launch date” means whichever of the following dates applies –
 - (a) if the acquisition is authorised by a compulsory purchase order, the date of first publication of the notice required under section 11 of the Acquisition of Land Act 1981 or (as the case may be) paragraph 2 of Schedule 1 to that Act,
 - (b) if the acquisition is authorised by any other order –
 - (i) the date of first publication, or
 - (ii) the date of service,of the first notice that, in connection with the acquisition, is published or served in accordance with any provision of or made under any Act, or
 - (c) if the acquisition is authorised by a special enactment other than an order, the date of first publication of the first notice that, in connection with the acquisition, is published in accordance with any Standing Order of either House of Parliament relating to private bills;and in paragraph (a) “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981.
- (7) In subsection (5)(d) references to the construction of a highway include its alteration or improvement.
- (8) If there is a dispute as to what is to be taken to be the scheme mentioned in subsection (5) (“the underlying scheme”) then, for the purposes of this section, the underlying scheme is to be identified by the Upper Tribunal as a question of fact, subject as follows –
 - (a) the underlying scheme is to be taken to be the scheme provided for by the Act, or other instrument, which authorises the compulsory acquisition unless it is shown (by either party) that the underlying scheme is a scheme larger

than, but incorporating, the scheme provided for by that instrument, and

- (b) except by agreement or in special circumstances, the Upper Tribunal may permit the acquiring authority to advance evidence of such a larger scheme only if that larger scheme is one identified in the following read together –
 - (i) the instrument which authorises the compulsory acquisition, and
 - (ii) any documents published with it.
- (9) For the purposes of the references to planning permission in subsections (2)(a) and (b)(i) and (4)(a) and section 15(1)(c), it is immaterial whether any planning permission was granted –
 - (a) unconditionally or subject to conditions, or
 - (b) on an ordinary application, on an outline application or by virtue of a development order,
 or is planning permission that, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

15 Planning permission to be assumed for acquiring authority’s proposals

- (1) In a case where –
 - (a) the relevant interest is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the relevant land or part of it, and
 - (b) planning permission for that development is not in force at the relevant valuation date,
 it is to be assumed for the purposes of section 14(2)(a) and (b)(i) and (4)(a) that planning permission is in force at the relevant valuation date for the development of the relevant land or that part of it, as the case may be, in accordance with the proposals of the acquiring authority.
- (2) For the purposes of subsection (1)(a), no account is to be taken of any planning permission so granted as not to enure (while the permission remains in force) for the benefit of the land and of all persons for the time being interested in the land.”
- (3) For sections 17 and 18 (certification of appropriate alternative development and appeals against certificates) substitute –

“17 Certificates of appropriate alternative development

- (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, either of the parties directly concerned may (subject to subsection (2)) apply to the local planning authority for a certificate containing whichever of the following statements is the applicable statement –
 - (a) that in the local planning authority’s opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition;
 - (b) that in the local planning authority’s opinion there is no development that, for the purposes of section 14, is

appropriate alternative development in relation to the acquisition.

- (2) If—
 - (a) the acquiring authority have served a notice to treat in respect of the interest or an agreement has been made for the sale of the interest to that authority, and
 - (b) a reference has been made to the Upper Tribunal to determine the amount of the compensation payable in respect of the interest,no application for a certificate under this section may be made after the making of that reference by either of the parties directly concerned except with the consent in writing of the other party directly concerned or the permission of the Upper Tribunal.
- (3) An application for a certificate under this section—
 - (a) must contain whichever of the following statements is the applicable statement—
 - (i) that in the applicant's opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition concerned;
 - (ii) that in the applicant's opinion there is no development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition concerned;
 - (b) must, if it contains a statement under paragraph (a)(i), specify—
 - (i) each description of development that in the applicant's opinion is, for the purposes of section 14, appropriate alternative development in relation to the acquisition, and
 - (ii) the applicant's reasons for holding that opinion; and
 - (c) must be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.
- (4) Where an application is made to the local planning authority for a certificate under this section in respect of an interest in land, the local planning authority must not, without the agreement of the other party directly concerned, issue a certificate to the applicant before the end of 22 days beginning with the date specified in the statement under subsection (3)(c).
- (5) If a certificate under this section contains a statement under subsection (1)(a) it must also—
 - (a) identify every description of development (whether specified in the application or not) that in the local planning authority's opinion is, for the purposes of section 14, appropriate alternative development in relation to the acquisition concerned, and
 - (b) give a general indication—
 - (i) of any conditions to which planning permission for the development could reasonably have been expected to be subject,

- (ii) of when the permission could reasonably have been expected to be granted if it is one that could reasonably have been expected to be granted only at a time after the relevant valuation date, and
 - (iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.
- (6) If a certificate under this section contains a statement under subsection (1)(a) –
 - (a) then, for the purposes of section 14, development is appropriate alternative development in relation to the acquisition concerned if, and only if, it is of a description identified in accordance with subsection (5)(a) in the certificate, and
 - (b) the matters indicated in accordance with subsection (5)(b) in the certificate are to be taken to apply in relation to the planning permission that under section 14(3) may be assumed to be in force for that development.
- (7) If a certificate under this section contains a statement under subsection (1)(b) then, for the purposes of section 14, there is no development that is appropriate alternative development in relation to the acquisition concerned.
- (8) References in subsections (5) to (7) to a certificate under this section include references to the certificate as varied and to any certificate issued in place of the certificate.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority must serve a copy of the certificate on the other of those parties.
- (10) In assessing any compensation payable to any person in respect of any compulsory acquisition, there must be taken into account any expenses reasonably incurred by the person in connection with the issue of a certificate under this section (including expenses incurred in connection with an appeal under section 18 where any of the issues are determined in the person’s favour).
- (11) For the purposes of this section and sections 18 to 20, the Broads Authority is the sole district planning authority for the Broads; and here “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.

18 Appeal to Upper Tribunal against certificate under section 17

- (1) Where the local planning authority have issued a certificate under section 17 in respect of an interest in land –
 - (a) the person for the time being entitled to that interest, or
 - (b) any authority possessing compulsory purchase powers by whom that interest is proposed to be, or is, acquired,
 may appeal to the Upper Tribunal against that certificate.
- (2) On any appeal under this section against a certificate, the Upper Tribunal –

- (a) must consider the matters to which the certificate relates as if the application for a certificate under section 17 had been made to the Upper Tribunal in the first place, and
 - (b) must –
 - (i) confirm the certificate, or
 - (ii) vary it, or
 - (iii) cancel it and issue a different certificate in its place, as the Upper Tribunal may consider appropriate.
- (3) Where an application is made for a certificate under section 17, and at the expiry of the time prescribed by a development order for the issue of the certificate (or, if an extended period is at any time agreed upon in writing by the parties and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section apply as if the local planning authority has issued such a certificate containing a statement under section 17(1)(b).”
- (4) In section 20 (power to prescribe matters relevant to Part 3) omit –
 - (a) in the opening words –
 - (i) the words “and appeals under section eighteen of this Act”, and
 - (ii) the word “respectively”,
 - (b) paragraph (b) (manner of and time for giving notice of appeal), and
 - (c) paragraph (d) (which refers to provisions of section 17 not re-enacted in the section 17 substituted by this Act).
- (5) Omit section 21 (proceedings for challenging validity of decision on appeal under section 18).
- (6) In section 22 (interpretation of Part 3) –
 - (a) in subsection (1) (meaning of “the parties directly concerned”) for “authority by whom it is proposed to be acquired” substitute “acquiring authority”, and
 - (b) in subsection (2) (interpretation of sections 17 and 18) for “and eighteen” substitute “to nineteen”.
- (7) In each of paragraph 11 of Schedule 27 to the Local Government, Planning and Land Act 1980 and paragraph 8 of Schedule 9 to the Housing Act 1988 (modifications of section 17(2) of the 1961 Act) –
 - (a) for “authority proposing to acquire it” substitute “acquiring authority”,
 - (b) for “in respect thereof,” substitute “in respect of the interest”, and
 - (c) for “sale thereof” substitute “sale of the interest”.
- (8) The amendments made in the Land Compensation Act 1961 by this section apply to the Crown to the extent set out in section 33 of that Act (Act applies in relation to acquisition by government department, including any Minister of the Crown, that is an authority possessing compulsory purchase powers as it applies to other authorities possessing those powers).”

Clause 209

- 227 Page 182, line 24, leave out “the Secretary of State, the Treasury” and insert “a Minister of the Crown”
- 228 Page 182, line 27, leave out “the Secretary of State, the Treasury” and insert “a Minister of the Crown”
- 229 Page 182, line 28, after “Act” insert “(other than a power under section 214)”
- 230 Page 182, line 42, leave out “The Secretary of State” and insert “A Minister of the Crown”
- 231 Page 183, line 1, at end insert –
 “(za) an order under section 5(2) that –
 (i) amends any Act or provision of an Act, and
 (ii) is not made (in reliance on section 7(4)) in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 7(3);”
- 232 Page 183, line 3, leave out “7(5)” and insert “7(5)(b)”
- 233 Page 183, line 6, at end insert –
 “(ba) an order under section 8(2);”
- 234 Page 183, line 6, at end insert –
 “(bb) an order under section (*Designation of public authorities*);”
- 235 Page 183, line 7, leave out “56”
- 236 Page 183, line 7, leave out “or 68(9)” and insert “68(2)(d), (5)(e) or (9) or 70(8)”
- 237 Page 183, line 10, at end insert –
 “(fa) regulations under section 102;”
- 238 Page 183, line 13, leave out “102”
- 239 Page 183, line 13, at end insert “(*Taking account of planning permission when assessing compensation*);
 (h) an order or regulations under section 210 which, in consequence of provision made by section (*Taking account of planning permission when assessing compensation*), amend or repeal a provision of an Act other than a local or private Act.”
- 240 Page 183, line 14, leave out subsection (8)
- 241 Page 183, line 22, leave out “the Secretary of State” and insert “a Minister of the Crown”
- 242 Page 183, line 34, after “section 7(3),” insert –
 “(ba) an order under section (*Power to transfer local public functions to permitted authorities*) (but see section (*Orders under section (Power to transfer local public functions to permitted authorities): procedure*)),”
- 243 Page 183, line 34, after “7(3),” insert –
 “(bb) an order or regulations under Schedule 24,”
- 244 Page 183, line 41, at end insert –
 “(aa) an order under section (*Designation of Welsh public authorities*),”
- 245 Page 184, line 8, at end insert –

“(13A) Subsection (13) does not apply to an order under section 214.”

246 Page 184, line 8, at end insert –

“(13B) If a draft of a statutory instrument containing an order under section (*Designation of public authorities*) 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.”

247 Page 184, line 11, at end insert –

““Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Clause 210

248 Page 184, line 18, after “14,” insert “22 to 27,”

249 Page 184, line 18, leave out “and 130,” and insert “, 130 and (*Secure and assured tenancies: recovery of possession after tenant’s death*)(3)(b) and (c),”

250 Page 184, line 23, after “to” insert “Part (*EU financial sanctions: Wales*) and”

251 Page 184, line 23, after “67” insert “, and Part 13 of Schedule 25 and section 211 so far as relating to that Part,”

Clause 212

252 Page 184, line 37, leave out “the Secretary of State” and insert “a Minister of the Crown”

Clause 213

253 Page 185, line 1, at end insert –

“(za) Part 2,”

254 Page 185, line 9, at beginning insert “Part 2,”

255 Page 185, line 12, at end insert “, subject to subsection (6).

(6) Any amendment or repeal made by this Act in the Transport Act 1968, and the repeal of section 121(1) of the Local Government, Planning and Land Act 1980, extend to England and Wales only.”

Clause 214

256 Page 185, line 17, at end insert –

“() section (*Arrangements for provision of services and discharge of functions*),”

257 Page 185, line 23, leave out paragraph (h)

258 Page 185, line 28, leave out “, 28 and 31” and insert “and 28”

259 Page 185, line 40, leave out “and 130,” and insert “, 130 and (*Secure and assured tenancies: recovery of possession after tenant’s death*)(3)(b) and (c),”

260 Page 186, line 13, at end insert –

“(ga) Part (*EU financial sanctions: Wales*),”

- 261 Page 186, line 25, leave out paragraph (c)
- 262 Page 186, line 33, after “(2)” insert “to (3C), paragraphs 1, 13(1), 17A and 17B of Schedule 8 and section 94(5) so far as relating to those provisions of that Schedule”

Schedule 2

- 263 Page 193, line 16, leave out “9EA,”
- 264 Page 193, line 27, after “executive,” insert –
 “(iia) by an area committee,”
- 265 Page 193, line 33, after “executive,” insert –
 “(aa) by an area committee,”
- 266 Page 193, line 39, after “functions” insert “ –
 (a) by an area committee, or
 (b) ”
- 267 Page 193, line 43, after “functions” insert “ –
 (a) by an area committee, or
 (b) ”
- 268 Page 193, line 43, at end insert –
 “(5A) Where by virtue of this section any functions may be discharged by an area committee, then, unless the senior executive member otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.”
- 269 Page 194, leave out lines 4 to 19
- 270 Page 194, line 23, at end insert –
 ““senior executive member” means –
 (a) in the case of a mayor and cabinet executive, the elected mayor;
 (b) in the case of a leader and cabinet executive (England), the executive leader.”
- 271 Page 194, leave out line 24
- 272 Page 194, line 28, at end insert “and”
- 273 Page 194, line 31, leave out from “part” to end of line 39
- 274 Page 195, line 31, leave out “9E(3) to (7)” and insert “9E”
- 275 Page 197, line 39, at end insert “or”
- 276 Page 197, leave out lines 42 to 44
- 277 Page 200, line 3, leave out “local government”
- 278 Page 200, line 4, at end insert “and is not an excluded matter”
- 279 Page 200, leave out lines 15 to 20
- 280 Page 200, line 21, leave out “(5)(c)” and insert “(1)(c)”
- 281 Page 200, line 28, leave out “local government”

- 282 Page 201, leave out lines 6 and 7
- 283 Page 202, line 12, leave out from “to” to end of line 15 and insert “functions of a relevant partner authority so far as exercisable in relation to –
(i) the authority’s area, or
(ii) the inhabitants of that area.”
- 284 Page 202, line 27, at beginning insert “either –
(i) the relevant committee is a non-unitary district council committee, or
(ii) ”
- 285 Page 203, leave out lines 1 to 4
- 286 Page 203, line 4, at end insert –
“non-unitary district council committee” means –
(a) an overview and scrutiny committee of a district council for a district in a county for which there is a county council, or
(b) a sub-committee of such a committee,”
- 287 Page 203, leave out lines 6 to 13 and insert “an overview and scrutiny committee or a sub-committee of such a committee,”
- 288 Page 203, line 14, after “committee” insert “other than a non-unitary district council committee”
- 289 Page 203, line 18, at end insert “, and
“relevant partner authority”, in relation to a relevant committee that is a non-unitary district council committee, means –
(a) the county council for the county concerned, or
(b) any person (other than the district council concerned) who is a partner authority in relation to that county council for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than a chief officer of police.”
- 290 Page 203, leave out lines 19 to 21
- 291 Page 205, leave out lines 1 to 31
- 292 Page 206, line 36, leave out from beginning to end of line 17 on page 207
- 293 Page 209, line 24, leave out from “9FE” to second “of” in line 26
- 294 Page 210, line 27, leave out from beginning to end of line 39 on page 212
- 295 Page 212, line 40, leave out from beginning to end of line 3 on page 215
- 296 Page 215, leave out lines 4 to 45
- 297 Page 218, leave out lines 3 to 20
- 298 Page 221, line 20, at end insert “, and giving effect to, referendum on”
- 299 Page 221, line 28, at end insert “, and giving effect to, referendum on”
- 300 Page 222, line 30, leave out “implement” and insert “require, and give effect to,

- referendum on”
- 301** Page 222, line 40, leave out from beginning to third “the” and insert “At a relevant change time,”
- 302** Page 223, line 1, leave out from beginning to first “the” in line 14 and insert –
- “(3) Subject to subsection (2) and section 9MB(2), the local authority may take steps for the purposes of preparing for the change or implementing it (including steps relating to transitional arrangements).
 - (4) If the local authority is not currently operating a mayor and cabinet executive and the change does not provide for the local authority to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is a time during –
 - (a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - (b) a later annual meeting of the local authority specified in that resolution.
 - (5) If the local authority is not currently operating a mayor and cabinet executive and the change provides for the local authority to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is –
 - (a) a time during the third day after the day of the declaration of the result of the poll at the first election of the mayor, or
 - (b) if a person is returned as the mayor at that first election without a poll being taken, a time during the third day after the day on which a poll would have been taken.
 - (6) If the local authority is currently operating a mayor and cabinet executive and the change provides for the local authority to cease to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is a time during the third day after”
- 303** Page 223, leave out lines 17 to 20
- 304** Page 226, line 1, at end insert “, and giving effect to, referendum on”
- 305** Page 226, line 24, at end insert “, and giving effect to, referendum on”
- 306** Page 226, line 46, at end insert “, and giving effect to, referendum on”
- 307** Page 227, line 9, leave out “implement” and insert “require, and give effect to, referendum on”
- 308** Page 227, line 11, leave out “to continue”
- 309** Page 227, line 18, leave out from “proposals” to end of line 19
- 310** Page 227, line 23, leave out from “proposals” to end of line 25
- 311** Page 227, line 27, leave out “9NB(2)(c)” and insert “9N(2)(c)”
- 312** Page 228, line 19, leave out from beginning to end of line 38 on page 229 and insert –

“9N Requiring referendum on change to mayor and cabinet executive

- (1) The Secretary of State may by order require a specified local authority to hold a referendum on whether the authority should operate a mayor and cabinet executive.”

- 313** Page 229, line 39, leave out “that” and insert “this”
- 314** Page 230, line 9, leave out “section 9N” and insert “this section”
- 315** Page 230, line 10, leave out “change” and insert “order”
- 316** Page 230, line 14, leave out “to continue”
- 317** Page 232, leave out lines 18 and 19
- 318** Page 235, line 32, leave out “is a local education authority” and insert “has education functions”
- 319** Page 237, line 25, leave out “education”
- 320** Page 237, line 28, leave out “education”
- 321** Page 237, line 32, at end insert –
- “(2) In paragraphs 6 and 7 “education functions” has the meaning given by section 579(1) of the Education Act 1996.”

Schedule 3

- 322** Page 239, line 26, leave out from “(1A)” to end of line 27 and insert “ –
- (a) for “regulations made under section 18” substitute “section 9E(2)(b)(iiia), (3)(aa), (4)(a) or (5)(a)”, and
- (b) after “Act 2000” insert “or under regulations made under section 18 of that Act”.”
- 323** Page 240, leave out lines 9 to 41
- 324** Page 248, line 20, leave out “9HF,”
- 325** Page 248, line 20, leave out “9HH,”
- 326** Page 248, line 22, after “9HN” insert “, 9MG”
- 327** Page 248, line 25, leave out “9HF or”
- 328** Page 249, line 16, at end insert –
- “(10A) In paragraph 11A for “7 to” substitute “8 and”.”
- 329** Page 249, line 20, leave out from beginning to end of line 6 on page 250
- 330** Page 252, line 4, leave out “to (c)” and insert “and (b)”
- 331** Page 253, leave out lines 19 to 30

Schedule 4

- 332** Page 254, leave out lines 9 to 12
- 333** Page 255, line 13, at end insert –

“Audit Commission Act 1998 (c. 18)

- 5A In section 49(1)(de) of the Audit Commission Act 1998 (disclosure of information by Commission or auditor etc for purposes of functions of ethical standards officer or Public Services Ombudsman for Wales) omit “an ethical standards officer or”.

Data Protection Act 1998 (c. 29)

- 5B In section 31 of the Data Protection Act 1998 (exemptions from subject information provisions for data processed in connection with certain regulatory functions) –
- (a) in subsection (7) omit paragraph (b), and
 - (b) in subsection (8)(b) omit “, or to an ethical standards officer.”

Schedule 5

- 334** Page 266, line 45, leave out from “Acts” to end of line 2 on page 267
- 335** Page 271, line 33, leave out from “Acts” to end of line 37
- 336** Page 274, line 33, at end insert –
- “(6A) No regulations under this section are to be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.”
- 337** Page 280, line 29, at end insert “or”
- 338** Page 280, line 29, at end insert –
- “(ba) the amount of any levies and special levies –
- (i) issued to it for the year, or
 - (ii) anticipated by it in pursuance of regulations under section 74 or 75 of the 1988 Act.”
- 339** Page 280, line 30, after “than” insert “a county council or”
- 340** Page 280, line 34, at end insert –
- “(2A) In the case of a major precepting authority that is a county council, any reference in this Chapter to the authority’s relevant basic amount of council tax for a financial year is a reference to the amount that would be calculated by it in relation to the year under section 42B(1) above if section 42A above did not require or permit it to take into account the amount of any levies –
- (a) issued to it for the year, or
 - (b) anticipated by it in pursuance of regulations under section 74 of the 1988 Act.”
- 341** Page 280, line 38, leave out from “amount” to “(referred” in line 39
- 342** Page 280, line 41, after “year)” insert “that would be calculated by it under section 88(2) of the Greater London Authority Act 1999 if sections 85 and 86 of that Act did not require or permit it –
- (i) to take into account the amount of any levies issued to a constituent body for the year, or

- (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body,”

343 Page 280, line 42, leave out from “amount” to “(referred” in line 43

344 Page 280, line 45, after “year)” insert “that would be calculated by it under section 89(3) of the Greater London Authority Act 1999 if sections 85 and 86 of that Act did not require or permit it—

- (i) to take into account the amount of any levies issued to a constituent body for the year, or
- (ii) to anticipate, in pursuance of regulations under section 74 of the 1988 Act, the issue of levies to a constituent body.”

Schedule 6

345 Page 289, line 33, at end insert—

“31A In section 113(3) (orders and regulations to be subject to annulment by either House of Parliament, except in certain cases) after “except in the case of” insert “regulations under section 52ZQ above or”.”

Schedule 7

346 Page 294, line 41, after “(7)(a)” insert “—

- (a) in sub-paragraph (i) omit “general fund or (as the case may be)”, and
- (b) ”

347 Page 297, line 32, at end insert—

“(3A) In subsection (2)(a) omit the words from “, other than” to “1988 Act”.

(3B) In subsection (3)(a)—

- (a) at the end of sub-paragraph (i) insert “or”, and
- (b) omit sub-paragraph (iii).”

348 Page 298, line 6, at end insert—

“(3A) Omit subsection (3).

(3B) In subsection (4) omit “or subsection (3) above”.”

349 Page 302, line 7, at end insert—

“Police Reform and Social Responsibility Act 2011

52 The Police Reform and Social Responsibility Act 2011 is amended as follows.

53 In section 18(7)(f) (function of calculating budget requirement may not be delegated by police and crime commissioner)—

- (a) after “calculating a” insert “council tax requirement or a”, and
- (b) after “section” insert “42A or”.

54 In section 22(2) (minimum budget for police and crime commissioner: amendments to section 41(1) of the Police Act 1996) for paragraph (c) substitute—

“(c) for “its” substitute “the commissioner’s”.”

Schedule 8

350 Page 303, line 12, leave out “omit paragraph (a)” and insert “in paragraph (a) after “situated” insert “(if there is a regional strategy for that region)”.

(2) Omit section 38(3)(a).”

351 Page 304, line 6, at end insert –

“Local Democracy, Economic Development and Construction Act 2009 (c. 20)

17A In section 70(5) (which provides for how a regional strategy is to be interpreted) for “the regional strategy” insert “a regional strategy under this Part”.

17B In section 82(2) (during the interim period, a regional strategy does not include the regional economic strategy) for the words after “For the purposes of that section,” substitute “a regional strategy under this Part is to be regarded as consisting solely of the regional spatial strategy under section 1 of the Planning and Compulsory Purchase Act 2004 that subsisted for the region concerned immediately before 1 April 2010.””

Schedule 9

352 Page 304, line 37, leave out from “if” to “have” in line 1 on page 305 and insert “in each applicable referendum under that Schedule more than half of those voting”

353 Page 305, leave out lines 5 and 6 and insert –

“(5) If –

(a) there are two applicable referendums under that Schedule (because the order relates to a neighbourhood area designated as a business area under section 61GA), and

(b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the order,

the authority may (but need not) make a neighbourhood development order to which the proposal relates.”

354 Page 306, leave out lines 20 to 27 and insert –

“(a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),”

355 Page 307, leave out line 24

356 Page 307, line 31, at end insert –

“(8A) A local planning authority may withdraw an organisation or body’s designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting –

(a) the conditions by reference to which it was designated, or

(b) any other criteria to which the authority were required to have regard in making the designation;
and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body."

357 Page 307, line 45, after "designations" insert "(or withdrawals of designations)"

358 Page 308, line 6, at end insert –

"(ba) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum,"

359 Page 309, line 5, at end insert "; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the council's consent"

360 Page 309, line 34, at end insert –

"61GA Neighbourhood areas designated as business areas

(1) Whenever a local planning authority exercise their powers under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.

(2) The reference here to the designation of an area as a neighbourhood area includes the modification under section 61G(6) of a designation already made.

(3) The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominantly business in nature.

(4) The map published by a local planning authority under section 61G(8) must state which neighbourhood areas (if any) are for the time being designated as business areas."

361 Page 309, line 43, leave out "and 61G" and insert "to 61GA"

362 Page 313, line 16, after "14" insert "or 14A"

363 Page 313, line 26, leave out "section 61F or 61G" and insert "any of sections 61F to 61GA"

364 Page 313, line 32, leave out "section 61F or 61G" and insert "any of sections 61F to 61GA"

365 Page 314, line 31, after first "in" insert "the whole or any part of"

366 Page 314, line 44, leave out from "if" to "have" in line 1 on page 315 and insert "in each applicable referendum under that Schedule (as so applied) more than half of those voting"

367 Page 315, leave out lines 5 and 6 and insert –

"(5) If –

(a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a

- neighbourhood area designated as a business area under section 61GA of the principal Act), and
- (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan, the authority may (but need not) make a neighbourhood development plan to which the proposal relates.”

Schedule 10

368 Page 318, line 26, at end insert –

- “(2) If–
- (a) a proposal by a qualifying body is made by an organisation or body designated as a neighbourhood forum, and
- (b) the designation is withdrawn at any time before the proposal is submitted for independent examination under paragraph 7,
- the proposal is to be treated as withdrawn by the qualifying body at that time.
- (3) If the withdrawal of the designation occurs after the proposal is submitted for independent examination under that paragraph, the withdrawal is not to affect the validity of the proposal.”

369 Page 319, line 9, at end insert –

- “(3) The power to make regulations under this paragraph must be exercised to secure that–
- (a) prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and
- (b) a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority –
- (i) details of those consulted,
- (ii) a summary of the main issues raised, and
- (iii) any other information of a prescribed description.”

370 Page 321, line 31, at end insert –

- “(ca) the making of the order contributes to the achievement of sustainable development,”

371 Page 324, line 27, after “14” insert “, and (if applicable) an additional referendum in accordance with paragraph 14A,”

372 Page 324, line 30, after first “is” insert “(or referendums are)”

373 Page 325, line 1, after “is” insert “(or referendums are)”

374 Page 325, line 5, after “is” insert “(or referendums are)”

375 Page 325, line 9, after “is” insert “(or referendums are)”

376 Page 326, line 29, at end insert –

- “14A(1) The additional referendum mentioned in paragraph 12(4) must be held on the making of a neighbourhood development order if the draft order relates to a neighbourhood area that has been designated as a business area under section 61GA.
- (2) Sub-paragraph (2) of paragraph 14 is to apply in relation to the additional referendum as it applies in relation to a referendum under that paragraph.
- (3) A person is entitled to vote in the additional referendum if on the prescribed date –
- (a) the person is a non-domestic ratepayer in the referendum area, or
 - (b) the person meets such other conditions as may be prescribed.
- (4) “Non-domestic ratepayer” has the same meaning as in Part 4 of the Local Government Act 2003 (see section 59(1)).
- (5) Regulations may make provision for excluding a person’s entitlement to vote in the additional referendum.”

377 Page 326, line 31, at end insert “or 14A”

378 Page 327, line 10, after “14” insert “or 14A”

Schedule 11

379 Page 331, line 8, after “by” insert “sub-paragraphs (2) to (5) of”

380 Page 331, line 29, at end insert –

- “(5A) In consequence of the provision made by sub-paragraphs (2) to (5) of this paragraph –
- (a) paragraph 12(7) to (9) of Schedule 4B have effect as if the words “(or referendums are)” were omitted, and
 - (b) that Schedule has effect as if paragraph 14A (and references to that paragraph) were omitted.”

Schedule 12

381 Page 335, line 28, at end insert –

“21A(1) Section 333 (regulations and orders) is amended as follows.

- (2) In subsection (3) (regulations to be subject to annulment) after “except regulations under section 88” insert “or paragraph 14A(5) or 15 of Schedule 4B”.
- (3) After that subsection insert –

“(3A) No regulations may be made under paragraph 14A(5) or 15 of Schedule 4B unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

382 Page 336, line 19, leave out “section 61F or 61G” and insert “any of sections 61F to 61GA”

Schedule 16

383 Page 367, leave out lines 1 to 4

384 Page 367, line 7, at end insert –

“Housing (Scotland) Act 2010 (asp 17)

59A The Housing (Scotland) Act 2010 is amended as follows.

59B In section 18(2) (co-operation with other regulators: definition of “relevant regulators”) in paragraph (a) for “the Office for Tenants and Social Landlords” substitute “the Regulator of Social Housing”.

59C In section 68(3) (determination of accounting requirements for registered social landlords: consultation with other bodies) in paragraph (c) for “the Office for Tenants and Social Landlords” substitute “the Regulator of Social Housing”.

Equality Act 2010 (c. 15)

59D In Schedule 19 to the Equality Act 2010 (public authorities) omit the entry for the Office for Tenants and Social Landlords.”

Schedule 17

385 Page 370, line 24, at end insert –

“1A In section 122 (restriction on gifts and distributions by non-profit registered providers to members etc) after subsection (6) insert –

“(7) The Secretary of State may by order amend this section for the purpose of –

- (a) adding to the permitted classes, or
- (b) modifying or removing a permitted class added by order under this subsection.

(8) Before making an order under subsection (7), the Secretary of State must consult –

- (a) the Charity Commission,
- (b) the regulator, and
- (c) one or more bodies appearing to the Secretary of State to represent the interests of registered providers.””

386 Page 374, line 10, at end insert –

“17 In section 320 (orders and regulations) –

(a) in subsection (3)(a) (orders subject to approval in draft by each House of Parliament), after “114” insert “, 122”, and

(b) in subsection (7)(a) (orders subject to annulment by either House of Parliament, and exceptions from that requirement), after “114” insert “, 122”.”

Schedule 19

387 Page 379, line 12, at end insert –

“Greater London Authority Act 1999 (c. 29)

35A The Greater London Authority Act 1999 is amended as follows.

35B (1) Section 38 (delegation) is amended as follows.

(2) In subsection (2) (persons to whom functions exercisable by the Mayor may be delegated) before paragraph (e) insert –

“(db) the Homes and Communities Agency;”.

(3) In subsection (3) (cases where delegation to body requires its consent) after “In the case of” insert “the Homes and Communities Agency;”.

(4) In subsection (7) (power to exercise delegated functions where no existing power to do so) before paragraph (c) insert –

“(bb) the Homes and Communities Agency;”.

(5) Before subsection (9) insert –

“(8B) An authorisation given by the Mayor under subsection (1) above to the Homes and Communities Agency in relation to a function does not prevent the Mayor from exercising the function.”

35C (1) In section 73(6), in the substituted subsection (2) of section 5 of the Local Government and Housing Act 1989 (reports by monitoring officer), the definition of “GLA body or person” is amended as follows.

(2) Before paragraph (d) insert –

“(ca) the Homes and Communities Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

(3) Before paragraph (h) insert –

“(gb) any committee or sub-committee of the Homes and Communities Agency when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

(4) Before the closing words insert –

“(mb) any member, or member of staff, of the Homes and Communities Agency when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

388 Page 380, line 23, at end insert –

“43A In section 4(6) (application of rules about the exercise of the Homes and Communities Agency’s specific powers) before the “and” at the end of paragraph (a) insert –

“(aa) subsection (2) does not apply to the exercise of a function by the HCA in consequence of an authorisation under section 38 of the Greater London Authority Act 1999 (delegation by Mayor).”.

389 Page 381, line 4, at end insert –

- “51A In section 148(1) (HCA may not, during a moratorium, give or enforce directions as to the use or repayment of financial assistance)–
- (a) before “the HCA” insert “neither”,
 - (b) after “the HCA” insert “, nor the Greater London Authority, may”,
 - (c) in each of paragraphs (a) and (b) omit “may not”, and
 - (d) for the “and” between those paragraphs substitute “or”.”

Schedule 20

390 Page 383, line 16, at end insert –

- “4A In section 38(8) (application of section 101 of the Local Government Act 1972) after paragraph (a) insert “or”.”

Schedule 21

391 Page 383, line 39, at end insert –

- “(1A) The Mayor must, subject to sub-paragraph (3), exercise the Mayor’s power under sub-paragraph (1) so as to secure that the members of an MDC include at least one elected member of each relevant London council.

(1B) For the purposes of this Schedule –

- (a) “London council” means a London borough council or the Common Council of the City of London, and
- (b) a London council is “relevant” in relation to an MDC if any part of the MDC’s area is within the council’s area.”

392 Page 384, line 33, after “Act),” insert –

- “(ca) the member has since being appointed ceased to be an elected member of a relevant London council and the Mayor wishes to appoint an elected member of that council to be a member of the MDC in the member’s place,”

393 Page 385, line 35, leave out from “MDC” to end of line 36

394 Page 386, line 20, after “it,” insert –

- “(ba) its members not including at least one elected member of each relevant London council,”

Schedule 22

395 Page 387, line 13, at end insert –

“Local Authorities (Goods and Services) Act 1970 (c. 39)

- 1A In section 1(4) of the Local Authorities (Goods and Services Act) 1970 (supply of goods and services by local authorities: interpretation) in the definition of “local authority” after “(joint waste authorities)” insert “, a Mayoral development corporation”.”

396 Page 387, line 35, at end insert –

“Local Government Act 1974 (c. 7)

2A In section 25(1) of the Local Government Act 1974 (authorities subject to investigation by a Local Commissioner) after paragraph (bd) insert –
 “(bda) a Mayoral development corporation.”

397 Page 394, line 12, at end insert –

“(4) After subsection (8) (further delegation, and Mayor’s power to continue to continue to exercise delegated functions) insert –

“(8A) An authorisation given by the Mayor under subsection (1) above to a Mayoral development corporation in relation to a function does not prevent the Mayor from exercising the function.”

398 Page 394, line 18, at end insert –

“45A(1) Amend section 68 (disqualification and political restriction) as follows.

(2) In subsection (2) (application of disqualification and political restriction to certain bodies) after paragraph (b) insert –

“(ba) a Mayoral development corporation.”

(3) In subsection (3) (person appointed by Mayor as a member of his staff under section 67(1) not disqualified from becoming an unpaid member of Transport for London) after “Transport for London” insert “or a Mayoral development corporation”.

(4) In subsection (6) (“statutory chief officer” to include chief finance officer) –

(a) after “London,” in paragraph (a) insert “and

(aa) of a Mayoral development corporation,” and

(b) after “member of Transport for London” insert “or, as the case may be, a Mayoral development corporation”.

(5) After subsection (6) insert –

“(6A) In the application of section 2 of that Act in relation to a Mayoral development corporation by virtue of subsections (1) and (2) above, any reference to the person designated under section 4 of that Act as its head of paid service is to be taken as a reference to the chief executive of the Mayoral development corporation.”

45B (1) In section 73(6), in the substituted subsection (2) of section 5 of the Local Government and Housing Act 1989 (reports by monitoring officer), amend the definition of “GLA body or person” as follows.

(2) After paragraph (b) insert –

“(ba) a Mayoral development corporation, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

(3) After paragraph (g) insert –

“(ga) any committee or sub-committee of a Mayoral development corporation when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”.

(4) After paragraph (m) insert—

“(ma) any member, or member of staff, of a Mayoral development corporation when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;”

Schedule 24

- 399** Page 403, line 22, at end insert “(*Transfer schemes*),”
- 400** Page 403, line 37, leave out from beginning to first “to” in line 38 and insert “an appropriate authority to be required or permitted”
- 401** Page 404, line 7, leave out from beginning to first “to” in line 8 and insert “an appropriate authority to be required or permitted”
- 402** Page 404, line 13, at end insert—
- ““appropriate authority” means—
- (a) the Treasury,
- (b) any other Minister of the Crown with the consent of the Treasury, or
- (c) the Mayor of London with the consent of the Treasury,
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975,”

Schedule 25

- 403** Page 404, line 37, at end insert—

“PART 2A

OTHER AUTHORITIES

<i>Reference</i>	<i>Extent of repeal</i>
Transport Act 1968 (c. 73)	In section 10(1)(xxviii), the words “so far as not required for the purposes of their business”.
Local Government Act 2003 (c. 26)	In section 93(7)(b), the “and” at the end.”

- 404** Page 405, leave out lines 8 and 9

- 405** Page 408, line 7, column 2, at beginning insert—

“Section 33(4), (6) and (7).
Section 34(5) and (6).
Section 38(4), (6) and (7).
Section 40(4), (6) and (7).”

- 406** Page 408, line 28, at end insert –
- | | |
|--|--|
| <p>“Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158)</p> | <p>In paragraph 47(2) of Schedule 2, the word “7(1),”.</p> |
|--|--|
- 407** Page 408, line 33, at end insert –
- | | |
|--|--|
| <p>“Parliamentary Commissioner Act 1967 (c. 13)</p> | <p>In Schedule 2, the entry for the Standards Board for England.</p> |
| <p>House of Commons Disqualification Act 1975 (c. 24)</p> | <p>In Schedule 1, in Part 2, the entry for the Standards Board for England.</p> |
| <p>Northern Ireland Assembly Disqualification Act 1975 (c. 25)</p> | <p>In Schedule 1, in Part 2, the entry for the Standards Board for England.”</p> |
- 408** Page 408, line 33, at end insert –
- | | |
|---|--|
| <p>“Local Government Act 1972 (c. 70)</p> | <p>In section 85(3A), the words “66A,” and “, 78A”.</p> <p>In section 86(1)(b), the words “66A, 78A or”.</p> <p>In section 87(1)(ee), the words “66A, 78A or”.</p> |
|---|--|
- 409** Page 408, line 40, at end insert –
- | | |
|--|-------------------------------|
| | <p>“(da) subsection (5),”</p> |
|--|-------------------------------|
- 410** Page 408, line 44, at end insert –
- | | |
|--|--|
| <p>Audit Commission Act 1998 (c. 18)</p> | <p>“, and
(g) subsections (8) to (10).</p> <p>In section 49(1)(de), the words “an ethical standards officer or”.</p> |
| <p>Data Protection Act 1998 (c. 29)</p> | <p>In section 31 –</p> <p>(a) in subsection (7), paragraph (b) (but not the word “or” at the end of that paragraph), and</p> <p>(b) in subsection (8)(b), the words “, or to an ethical standards officer,”.</p> |
- 411** Page 408, line 44, at end insert –
- | | |
|---|--|
| <p>“Greater London Authority Act 1999 (c. 29)</p> | <p>In section 6(5), the words “66A,” and “, 78A”.</p> <p>In section 13(2), the words “66A,” and “, 78A”.</p> |
|---|--|

- 412** Page 411, line 29, at end insert –
- | | |
|--|---|
| “Freedom of Information Act 2000 (c. 36) | In Schedule 1, in Part 6, the entry for the Standards Board for England.” |
|--|---|
- 413** Page 412, column 2, line 26, at end insert –
- | |
|------------------------------|
| “Section 201(4)(b) and (c).” |
|------------------------------|
- 414** Page 415, line 3, at end insert –
- | | |
|-----------------------------------|--|
| Local Government Act 1999 (c. 27) | “In section 113(3)(a), the words “52F(4), 52H(2), 52Q(2), 52S(2), 52X(6),”.
In Schedule 1, paragraph 9(b).” |
|-----------------------------------|--|
- 415** Page 415, line 14, column 2, after “(2),” insert “the paragraph (a) inserted in relation to authorities in England by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2005 (S.I. 2005/190), and”
- 416** Page 415, line 25, column 2, after “(7)(a),” insert “in sub-paragraph (i), the words “general fund or (as the case may be)”, and”
- 417** Page 415, leave out line 42 and insert –
- | |
|--|
| “In section 43 –
(a) in subsection (2)(a), the words from “, other than” to “1988 Act”,
(b) in subsection (3)(a), sub-paragraph (iii) and the word “or” immediately preceding that sub-paragraph (but not the word “and” at the end of that sub-paragraph), and
(c) subsection (5).
In section 44 –
(a) subsection (3), and
(b) in subsection (4), the words “or subsection (3) above”.” |
|--|
- 418** Page 417, line 8, at end insert –
- | | |
|--|---|
| “Town and Country Planning Act 1990 (c. 8) | In Schedule 1 –
(a) paragraph 7(2)(a), (3), (5)(a), (9) and (11), and
(b) in paragraph 7(10), paragraph (b) and the “or” immediately preceding it.” |
|--|---|
- 419** Page 417, line 9, leave out “70” and insert “70(1) to (4) and (6) to (8) and 71”
- 420** Page 417, line 10, leave out “82(2) and (3)” and insert “82(3)”
- 421** Page 417, column 2, leave out lines 19 to 23

- 422** Page 418, line 27, at end insert –
 | “Section 70(5).”
- 423** Page 418, line 38, after “82(1)” insert “and (2)”
- 424** Page 418, line 44, at end insert –
 “Localism Act 2011 | In Schedule 8, paragraphs 13(1), 17A and 17B.”
- 425** Page 419, line 13, at end insert –
 | “In section 264(5)(b), the words “or a local
 development order”.
 Planning and Compulsory | In section 38(2), the word “and” at the end of
 Purchase Act 2004 (c. 5) | paragraph (a).
 Section 40(2)(b) to (k).”
- 426** Page 419, line 25, at end insert –
 “Companies Act 2006 | In Schedule 1, paragraph 157.”
 (Consequential
 Amendments, Transitional
 Provisions and Savings)
 Order 2009 (S.I. 2009/1941)
- 427** Page 420, line 27, at end insert –
 | “Section 70.”
- 428** Page 421, line 18, at end insert –
 | “Section 55(3)(b) and (d).”
- 429** Page 423, leave out line 5
- 430** Page 423, column 2, line 35, at end insert –
 | “In section 148(1), in each of paragraphs (a) and
 (b), the words “may not”. ”
- 431** Page 424, line 5, leave out “subsection (8)(a),” and insert “in subsection (8),
 paragraph (a) and the word “and” at the end of that paragraph.”
- 432** Page 424, line 17, leave out “(d) paragraph 4,”
- 433** Page 424, line 18, at end insert –
 “Equality Act 2010 (c. 15) | In Schedule 19, the entry for the Office for
 Tenants and Social Landlords.”
- 434** Page 425, line 27, at end insert –

“PART 28A

TENANTS’ DEPOSITS

<i>Reference</i>	<i>Extent of repeal</i>
Housing Act 2004 (c. 34)	In section 214(4), the word “also”.
435	Page 426, line 10, leave out “62(a) and (b)” and insert “62(b)”
436	Page 426, leave out lines 30 to 34
437	Page 427, column 2, leave out line 40 and insert – <div style="border-left: 1px solid black; padding-left: 10px; margin-left: 20px;"> “In section 38 – (a) subsections (2)(d) and (7)(b), and (b) in subsection (8), paragraph (c) and the “or” preceding it.” </div>
438	Page 429, line 13, at end insert – <div style="border-left: 1px solid black; padding-left: 10px; margin-left: 20px;"> “Local Democracy, Economic Development and Construction Act 2009 (c. 20) </div> Section 35(2)(q). In Schedule 5, paragraph 6.”
439	Page 429, leave out lines 21 to 25
440	Page 430, line 6, at end insert –

“PART 33

COMPENSATION FOR COMPULSORY ACQUISITION

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Land Compensation Act 1961 (c. 33)	In section 20 – (a) in the opening words, the words “and appeals under section eighteen of this Act” and the word “respectively”, and (b) paragraphs (b) and (d). Section 21.
Local Government, Planning and Land Act 1980 (c. 65)	Section 121(1). In section 121(2) – (a) the words “Section 17 of the Land Compensation Act 1961 and”, and (b) the word “each”. In Schedule 24, Part 1. In Schedule 33 – (a) in paragraph 5(1), the words “2(2), 15(5) and”, and (b) paragraph 5(2) and(3).
Norfolk and Suffolk Broads Act 1988 (c. 4)	In Schedule 3, paragraph 3.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Planning and Compensation Act 1991 (c. 34)	Sections 64 and 65. In Schedule 6, paragraph 1(1)(a). In Schedule 15— (a) in paragraph 15(1), the words “section 14(1) of” and the words after “1961”, and (b) paragraphs 15(2) and 16(a).
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 3, paragraph 1.
Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307)	In Schedule 1, paragraph 42.”

In the Title

441 Line 2, leave out “Local Commission for” and insert “Commission for Local”

LORDS AMENDMENTS TO THE
LOCALISM BILL

*Ordered, by The House of Commons,
to be Printed, 1 November 2011.*

© Parliamentary copyright House of Commons 2011
*Applications for reproduction should be made in writing to the Information Policy Team,
Office of Public Sector Information, Kew, Richmond, Surrey TW9 4DU*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON: THE STATIONERY OFFICE
Printed in the United Kingdom by
The Stationery Office Limited