

# LOCALISM ACT 2011

## EXPLANATORY NOTES

### TERRITORIAL APPLICATION

478. The table below sets out the application of the provisions in the Act. It deals with substantive application only. Where a provision amends or repeals (or revokes) existing legislation, the amendment or repeal has the same extent as the legislation amended or repealed (see section 239(5) and the exceptions in section 239(6)) but this will not be reflected in entry in the table for the section. For example, section 198 (which is about London) introduces Schedule 21. Paragraph 12 of Schedule 21 makes an amendment in UK-wide legislation, but the entry for section 198 reflects that the practical application is in relation to England only.

<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
<b>PART 1: LOCAL GOVERNMENT</b>		
<b>CHAPTER 1: GENERAL POWERS OF AUTHORITIES</b>		
1	Local authority's general power of competence	England only
2	Boundaries of the general power	England only
3	Limits on charging in exercise of general power	England only
4	Limits on doing things for commercial purpose in exercise of general power	England only
5	Powers to make supplemental provision	Mainly England but limited potential a application to Wales.
6	Limits on power under section 5(1)	England only
7	Procedure for orders under section 5	England only
8	Interpretation of Chapter	England only
<b>CHAPTER 2: FIRE AND RESCUE AUTHORITIES</b>		
9	General powers of certain fire and rescue authorities	England and Wales
10	Fire and rescue authorities: charging	England and Wales
<b>CHAPTER 3: OTHER AUTHORITIES</b>		
11	Integrated Transport Authorities	England only.
12	Passenger Transport Executives	England only.
13	Economic prosperity boards and combined authorities	England only

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
14	Further amendments	England only.
<b>CHAPTER 4 TRANSFER AND DELEGATION OF FUNCTIONS TO CERTAIN AUTHORITIES</b>		
15	Power to transfer local public functions to permitted authorities	England only
16	Delegation of functions by Ministers to permitted authorities	England only
17	Transfer schemes	England only
18	Duty to consider proposals for exercise of powers under sections 15 and 17	England only
19	Orders under section 15: procedure	England only
20	Interpretation of Chapter	England only
<b>CHAPTER 5: GOVERNANCE</b>		
21	New arrangements with respect to governance of English local authorities	England only
22	New local authority governance arrangements: amendments	England only
23	Changes to local authority governance in England: transitional provision etc	England only
24	Timetables for changing English district councils' electoral schemes	England only
<b>CHAPTER 6: PREDETERMINATION</b>		
25	Prior indications of view of a matter not to amount to predetermination etc	England and Wales
<b>CHAPTER 7: STANDARDS</b>		
26	Amendments of existing provisions	England (and Police authorities in Wales)
27	Duty to promote and maintain high standards of conduct	England (and Police authorities in Wales)
28	Codes of conduct	England (and Police authorities in Wales)
29	Register of interests	England (and Police authorities in Wales)
30	Disclosure of pecuniary interests on taking office	England (and Police authorities in Wales)
31	Pecuniary interests in matters considered at meetings or by a single member	England (and Police authorities in Wales)

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
32	Sensitive interests	England (and Police authorities in Wales)
33	Dispensations from section 31(4)	England (and Police authorities in Wales)
34	Offences	England (and Police authorities in Wales)
35	Delegation of functions by Greater London Authority	England only
36	Amendment of section 27 following abolition of police authorities	England (and Police authorities in Wales)
37	Transitional provision	England (and Police authorities in Wales)
<b>CHAPTER 8: PAY ACCOUNTABILITY</b>		
38	Pay policy statements	England and Wales
39	Supplementary provisions relating to statements	England and Wales
40	Guidance	England and Wales
41	Determinations relating to remuneration etc	England and Wales
42	Exercise of functions	England and Wales
43	Interpretation	England and Wales
<b>CHAPTER 9: COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND</b>		
44	Arrangements for provision of services and discharge of functions	England only
<b>CHAPTER 10: MISCELLANEOUS REPEALS</b>		
45	Repeal of duties relating to promotion of democracy	England and Wales
46	Repeal of provisions about petitions to local authorities	England and Wales
47	Schemes to encourage domestic waste reduction by payments and charges	England only
<b>PART 2: EU FINANCIAL SANCTIONS</b>		
48	Power to require public authorities to make payments in respect of certain EU financial sanctions	<b>Uk</b>
49	Duty of the Secretary of State to issue a policy statement	<b>Uk</b>
50	The EU financial sanctions to which Part 2 applies	<b>Uk</b>
51	Meaning of “public authority” and related terms	<b>Uk</b>
52	Designation of public authorities	<b>Uk</b>

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
53	Establishment of independent panel	<b>Uk</b>
54	Warning notices	<b>Uk</b>
55	Matters to be determined before a final notice is given	<b>Uk</b>
56	Final notices	<b>Uk</b>
57	Interpretation of Part: general	<b>Uk</b>
<b>PART 3 EU FINANCIAL SANCTIONS: WALES</b>		
58	Power to require Welsh public authorities to make payments in respect of certain EU financial sanctions	Wales only
59	Duty of the Welsh Ministers to issue a policy statement	Wales only
60	The EU financial sanctions to which Part 3 applies	Wales only
61	Meaning of “Welsh public authority” and related terms	Wales only
62	Designation of Welsh public authorities	Wales only
63	Establishment of independent panel	Wales only
64	Warning notices	Wales only
65	Matters to be determined before a final notice is given	Wales only
66	Final notices	Wales only
67	Interpretation of Part: general	Wales only
<b>PART 4: NON-DOMESTIC RATES ETC</b>		
68	Ballot for imposition and certain variations of a business rate supplement	England and Wales
69	Non-domestic rates: discretionary relief	England and Wales
70	Small business relief	England only
71	Cancellation of liability to backdated non-domestic rates	England only
<b>PART 5: COMMUNITY EMPOWERMENT</b>		
<b>CHAPTER 1: COUNCIL TAX</b>		
72	Referendums relating to council tax increases	Mainly England only but part Wales only
73	References to proper accounting practices	England only
74	Council tax calculations by billing authorities in England	England only
75	Council tax calculations by major precepting authorities in England	England only
76	Calculation of council tax requirement by the Greater London Authority	England only

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
77	Calculation of basic amount of tax by the Greater London Authority	England only
78	Council tax calculation by local precepting authorities in England	England only
79	Council tax: minor and consequential amendments	England only
80	Council tax revaluations in Wales	Wales only
<b>CHAPTER 2: COMMUNITY RIGHT TO CHALLENGE</b>		
81	Duty to consider expressions of interest	England only
82	Timing of expressions of interest	England only
83	Consideration of expressions of interest	England only
84	Consideration of expression of interest: further provisions	England only
85	Supplementary	England only
86	Provision of advice and assistance	England only
<b>CHAPTER 3: ASSETS OF COMMUNITY VALUE</b>		
87	List of assets of community value	England and Wales
88	Land of community value	England and Wales
89	Procedure for including land in list	England and Wales
90	Procedure on community nominations	England and Wales
91	Notice of inclusion or removal	England and Wales
92	Review of decision to include land in list	England and Wales
93	List of land nominated by unsuccessful community nominations	England and Wales
94	Publication and inspection of lists	England and Wales
95	Moratorium	England and Wales
96	Meaning of “relevant disposal” etc in section 95	England and Wales
97	Publicising receipt of notice under section 95(2)	England and Wales
98	Informing owner of request to be treated as bidder	England and Wales
99	Compensation	England and Wales
100	Local land charge	England and Wales
101	Enforcement	England and Wales
102	Co-operation	England and Wales
103	Advice and assistance in relation to land of community value in England	England only
104	Advice and assistance in relation to land of community value in Wales	Wales only
105	Crown application	England and Wales
106	Meaning of “local authority”	England and Wales

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
107	Meaning of “owner”	England and Wales
108	Interpretation of Chapter: general	England and Wales
<b>PART 6: PLANNING</b>		
<b>CHAPTER 1: PLANS AND STRATEGIES</b>		
109	Abolition of regional strategies	England only
110	Duty to co-operate in relation to planning of sustainable development	England only
111	Local development schemes	England only
112	Adoption and withdrawal of development plan documents	England only
113	Local development: monitoring reports	England only
<b>CHAPTER 2: COMMUNITY INFRASTRUCTURE LEVY</b>		
114	Community Infrastructure Levy: approval of charging schedules	England and Wales
115	Use of Community Infrastructure Levy	England and Wales
<b>CHAPTER 3: NEIGHBOURHOOD PLANNING</b>		
116	Neighbourhood planning	England only
117	Charges for meeting costs relating to neighbourhood planning	England only
118	Regulations under section 117: collection and enforcement	England only
119	Regulations under section 117: supplementary	England only
120	Financial assistance in relation to neighbourhood planning	England only
121	Consequential amendments	England only
<b>CHAPTER 4: CONSULTATION</b>		
122	Consultation before applying for planning permission	England only
<b>CHAPTER 5: ENFORCEMENT</b>		
123	Retrospective planning permission	England only
124	Time limits for enforcing concealed breaches of planning control	England only
125	Assurance as regards prosecution for person served with enforcement notice	England and Wales
126	Planning offences: time limits and penalties	England only
127	Powers in relation to: unauthorised advertisements; defacement of premises	England only
<b>CHAPTER 6: NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS</b>		

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
128	Abolition of Infrastructure Planning Commission	England, Scotland and Wales
129	Transitional provision in connection with abolition	England, Scotland and Wales
130	National policy statements	England, Scotland and Wales
131	Power to alter effect of requirement for development consent on other consent regimes	England, Scotland and Wales
132	Secretary of State's directions in relation to projects of national significance	England only
133	Pre-application consultation with local authorities	England, Scotland and Wales
134	Reform of duties to publicise community consultation statement	England, Scotland and Wales
135	Claimants of compensation for effects of development	England, Scotland and Wales
136	Rights of entry for surveying etc in connection with applications	England, Scotland and Wales
137	Acceptance of applications for development consent	England, Scotland and Wales
138	Procedural changes relating to applications for development consent	England, Scotland and Wales
139	Timetables for reports and decisions on applications for development consent	England, Scotland and Wales
140	Development consent subject to requirement for further approval	England, Scotland and Wales
141	Local authority, statutory undertakers` and National Trust land	England, Scotland and Wales
142	Changes to notice requirements for compulsory acquisition	England, Scotland and Wales
<b>CHAPTER 7: OTHER PLANNING MATTERS</b>		
143	Applications for planning permission: local finance considerations	England only
144	Application of this Part to the Crown	England, Scotland and Wales
<b>PART 7: HOUSING</b>		
<b>CHAPTER 1: ALLOCATION AND HOMELESSNESS</b>		
145	Allocation of housing accommodation	England only
146	Allocation only to eligible and qualifying persons: England	England only
147	Allocation schemes	England only
148	Duties to homeless persons	England and Wales

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
149	Duties to homeless persons: further amendments	England and Wales
<b>CHAPTER 2: SOCIAL HOUSING: TENURE REFORM</b>		
150	Tenancy strategies	England only
151	Preparation of tenancy strategy	England only
152	Standards about tenancies etc	England only
153	Relationship between schemes and strategies	England only
154	Flexible tenancies	England only
155	Flexible tenancies: other amendments	England only
156	Creation of tenancies of social housing	England only
157	Registration of tenancies of social housing	England only
158	Secure and assured tenancies: transfer of tenancy	England only
159	Further provisions about transfer of tenancy under section 158	England only
160	Succession to secure tenancies	England only
161	Succession to assured tenancies	England only
162	Secure and assured tenancies: recovery of possession after tenant's death	Mainly England only but part Wales only
163	Assured shorthold tenancies following demoted or family intervention tenancies	England only
164	Assured shorthold tenancies: notice requirements	England only
165	Assured shorthold tenancies: rights to acquire	England only
166	Repairing obligations in leases of seven years or more	England only
<b>CHAPTER 3: HOUSING FINANCE</b>		
167	Abolition of Housing Revenue Account subsidy in England	England only
168	Settlement payments	England only
169	Further payments	England only
170	Further provisions about payments	England only
171	Limits on indebtedness	England only
172	Power to obtain information	England only
173	Determinations under this Chapter	England only
174	Capital receipts from disposal of housing land	England only
175	Interpretation	England only
<b>CHAPTER 4: HOUSING MOBILITY</b>		
176	Standards facilitating exchange of tenancies	England only
177	Assisting tenants of social landlords to become home owners	England only



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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
<b>CHAPTER 5: REGULATION OF SOCIAL HOUSING</b>		
178	Transfer of functions from the Office for Tenants and Social Landlords to the Homes and Communities Agency	England only
179	Regulation of social housing	England only
<b>CHAPTER 6: OTHER HOUSING MATTERS</b>		
180	Housing complaints	England only
181	Transfer of functions to the Housing Ombudsman	England only
182	Transfer of functions to the Housing Ombudsman: supplementary	England only
183	Abolition of home information packs	England and Wales
184	Tenancy deposit schemes	England and Wales
185	Exemption from HMO licensing for buildings run by co-operatives	England and Wales
<b>PART 8: LONDON</b>		
<b>CHAPTER 1: HOUSING AND REGENERATION FUNCTIONS</b>		
186	Removal of limitations on Greater London Authority's general power	England only
187	New housing and regeneration functions of the Authority	England only
188	The London housing strategy	England only
189	Modification to the Homes and Communities Agency's functions	England only
190	Transfer of property of Homes and Communities Agency etc	England only
191	Abolition of London Development Agency and transfer of its property etc	England only
192	Mayor's economic development strategy for London	England only
193	Transfer schemes: general provisions	England only
194	Power to make consequential etc provision	England only
195	Consequential amendments	England only
<b>CHAPTER 2: MAYORAL DEVELOPMENT CORPORATIONS</b>		
196	Interpretation of Chapter	England only
197	Designation of Mayoral development areas	England only
198	Mayoral development corporations: establishment	England only
199	Exclusion of land from Mayoral development areas	England only
200	Transfers of property etc to a Mayoral development corporation	England only
201	Object and powers	England only

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
202	Functions in relation to Town and Country Planning	England only
203	Arrangements for discharge of, or assistance with, planning functions	England only
204	Removal or restriction of planning functions	England only
205	Powers in relation to infrastructure	England only
206	Powers in relation to land	England only
207	Acquisition of land	England only
208	Powers in relation to acquired land	England only
209	Restrictions on disposal of land	England only
210	Power to enter and survey land	England only
211	Adoption of private streets	England only
212	Businesses, subsidiaries and other companies	England only
213	Financial assistance	England only
214	Powers in relation to discretionary relief from non-domestic rates	England only
215	Reviews	England only
216	Transfers of property, rights and liabilities	England only
217	Dissolution: final steps	England only
218	Transfer schemes: general provisions	England only
219	Guidance by the Mayor	England only
220	Directions by the Mayor	England only
221	Consents	England only
222	Consequential and other amendments	England only
<b>CHAPTER 3: GREATER LONDON AUTHORITY GOVERNANCE</b>		
223	Delegation of functions by Ministers to the Mayor	England only
224	Authority may be required to carry on commercial activities through a taxable body	England only
225	The London Environment Strategy	England only
226	Abolition of Mayor's duty to prepare state of the environment reports	England only
227	Mayoral strategies: general duties	England only
228	Simplification of the consultation process for the Mayor's strategies	England only
229	London Assembly's power to reject draft strategies	England only
230	Sharing of administrative etc services by London authorities	England only
231	Transport for London: access to meetings and documents etc	England only

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<i>Section Number</i>	<i>Title</i>	<i>Application of Section</i>
<b>PART 9: COMPENSATION FOR COMPULSORY ACQUISITION</b>		
232	Taking account of planning permission when assessing compensation	England and Wales
<b>PART 10: GENERAL</b>		
233	Tax	<b>Uk</b>
234	Pre-commencement consultation	England and Wales
235	Orders and regulations	<b>Uk</b>
236	Power to make further consequential amendments	<b>Uk</b>
237	Repeals and revocations	<b>Uk</b>
238	Financial provisions	<b>Uk</b>
239	Extent	<b>Uk</b>
240	Commencement	<b>Uk</b>
241	Short title	<b>Uk</b>