



# Local Democracy, Economic Development and Construction Act 2009

## 2009 CHAPTER 20

### PART 1 **E+W**

#### DEMOCRACY AND INVOLVEMENT

PROSPECTIVE

### CHAPTER 1 **E+W**

#### DUTIES RELATING TO PROMOTION OF DEMOCRACY

##### *Duties of principal local authorities*

#### <sup>F1</sup> **Democratic arrangements of principal local authorities** **E+W**

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##### **Textual Amendments**

**F1** Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011](#) (c. 20), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

#### <sup>F2</sup> **Democratic arrangements of connected authorities** **E+W**

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*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)*

**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

**F13 Monitoring boards, courts boards and youth offending teams** E+W

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**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

**F14 Lay justices** E+W

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**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

*Supplementary*

**F15 Provision of information** E+W

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**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

**F16 Guidance** E+W

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**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

**F17 Isles of Scilly** E+W

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**Textual Amendments**

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

*Status: This version of this part contains provisions that are prospective.*

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### General

#### F18 Orders **E+W**

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##### Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

#### F19 Interpretation **E+W**

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##### Textual Amendments

F1 Pt. 1 Ch. 1 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 45, 240(1)(d), [Sch. 25 Pt. 6](#)

## CHAPTER 2 **E+W**

### PETITIONS TO LOCAL AUTHORITIES

#### *Electronic petitions*

#### F210 Electronic petitions **E+W**

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##### Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), art. 5(a)(c) (with arts. 9, 10); [S.I. 2012/887](#), art. 3(a)(c)

#### *Petition schemes*

#### F211 Petition schemes **E+W**

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##### Textual Amendments

F2 Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), art. 5(a)(c) (with arts. 9, 10); [S.I. 2012/887](#), art. 3(a)(c)

##### Commencement Information

I1 S. 11 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(b\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)*

**F2<sup>12</sup> Petitions to which a scheme must apply** **E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

**F2<sup>13</sup> Requirement to acknowledge** **E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

**Commencement Information**

**I2** S. 13 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(d)**

**F2<sup>14</sup> Requirement to take steps** **E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

**F2<sup>15</sup> Requirement to debate** **E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by Localism Act 2011 (c. 20), ss.46, 240(3)(b), **Sch. 25 Pt. 7**; S.I. 2012/628, art. 5(a)(c) (with arts. 9, 10); S.I. 2012/887, art. 3(a)(c)

**Commencement Information**

**I3** S. 15 in force at 15.6.2010 for E. by S.I. 2010/881, **art. 3(f)**

**F2<sup>16</sup> Requirement to call officer to account** **E+W**

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*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)

**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), [art. 5\(a\)\(c\)](#) (with [arts. 9, 10](#)); [S.I. 2012/887](#), [art. 3\(a\)\(c\)](#)

**Commencement Information**

**I4** S. 16 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(g\)](#)

**F217 Review of steps** E+W

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), [art. 5\(a\)\(c\)](#) (with [arts. 9, 10](#)); [S.I. 2012/887](#), [art. 3\(a\)\(c\)](#)

**Commencement Information**

**I5** S. 17 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(h\)](#)

**F218 Supplementary scheme provision** E+W

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), [art. 5\(a\)\(c\)](#) (with [arts. 9, 10](#)); [S.I. 2012/887](#), [art. 3\(a\)\(c\)](#)

**Commencement Information**

**I6** S. 18 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(i\)](#)

*Supplementary*

**F219 Powers of appropriate national authority** E+W

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), [art. 5\(a\)\(c\)](#) (with [arts. 9, 10](#)); [S.I. 2012/887](#), [art. 3\(a\)\(c\)](#)

**Commencement Information**

**I7** S. 19 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(b\)](#)

**I8** S. 19 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(j\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)*

**F<sup>2</sup>20 Handling of petitions by other bodies E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), art. 5(a)(c) (with arts. 9, 10); [S.I. 2012/887](#), art. 3(a)(c)

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**Commencement Information**

**I9** S. 20 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(c\)](#)

**I10** S. 20 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(k\)](#)

*General*

**F<sup>2</sup>21 Orders E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), art. 5(a)(c) (with arts. 9, 10); [S.I. 2012/887](#), art. 3(a)(c)

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**Commencement Information**

**I11** S. 21 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(d\)](#)

**I12** S. 21 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(l\)](#)

**F<sup>2</sup>22 Interpretation E+W**

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**Textual Amendments**

**F2** Pt. 1 Ch. 2 repealed (1.4.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), ss.46, 240(3)(b), [Sch. 25 Pt. 7](#); [S.I. 2012/628](#), art. 5(a)(c) (with arts. 9, 10); [S.I. 2012/887](#), art. 3(a)(c)

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**Commencement Information**

**I13** S. 22 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(e\)](#)

**I14** S. 22 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(m\)](#)

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## CHAPTER 3 **E+W**

### INVOLVEMENT IN FUNCTIONS OF PUBLIC AUTHORITIES

#### 23 **Duty of public authorities to secure involvement** **E+W**

(1) Where an authority to which this section applies considers it appropriate for representatives of interested persons (or of interested persons of a particular description) to be involved in the exercise of any of its relevant functions by being—

- (a) provided with information about the exercise of the function,
- (b) consulted about the exercise of the function, or
- (c) involved in another way,

it must take such steps as it considers appropriate to secure that such representatives are involved in the exercise of the function in that way.

(2) This section applies to the following authorities—

- (a) the Arts Council of England;
- (b) the English Sports Council;
- (c) the Environment Agency;
- (d) the Health and Safety Executive;
- [<sup>F3</sup>(da) the Office for Nuclear Regulation;]
- (e) the Historic Buildings and Monuments Commission for England;
- (f) the Homes and Communities Agency;
- (g) the Museums, Libraries and Archives Council;
- (h) Natural England;
- [<sup>F4</sup>(i) .....
- [<sup>F5</sup>(j) the Common Council of the City of London in its capacity as a police authority;]
- (k) a chief officer of police for a police force in England;
- (l) a local probation board for an area in England or a probation trust (other than a Welsh probation trust as defined by paragraph 13(6) of Schedule 1 to the Offender Management Act 2007 (c. 21));
- (m) a youth offending team for an area in England;
- (n) the Secretary of State.

(3) In this section, “relevant functions” means—

- (a) in relation to an authority specified in subsection (2)(a) to (m), all the functions of the authority except in so far as those functions are not exercisable in or in relation to England;
- (b) in relation to the Secretary of State, the Secretary of State's functions under—
  - (i) section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees), and
  - (ii) sections 2 and 3 of the Offender Management Act 2007 (c. 21) (responsibility for ensuring the provision of probation services throughout England and Wales),

except in so far as those functions are not exercisable in relation to England.

(4) Subsection (1) does not require an authority to take a step—

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*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)*

- (a) if the authority does not have the power to take the step apart from this section, or
  - (b) if the step would be incompatible with any duty imposed on the authority apart from this section.
- (5) Subsection (1) does not apply in such cases as the Secretary of State may by order made by statutory instrument specify.
- (6) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “interested person”, in relation to a relevant function, means a person who is likely to be affected by, or otherwise interested in, the exercise of the function;
  - “representative” means, in relation to interested persons or a description of interested person, a person who appears to an authority to which this section applies to be representative of the interested persons;
- F6 ...
- (8) The Secretary of State's functions under this section by virtue of subsection (3)(b)(ii) are functions to which section 2(1)(c) of the Offender Management Act 2007 (c. 21) (functions to be performed through arrangements under section 3 of that Act) applies.

#### Textual Amendments

- F3** S. 23(2)(da) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 25** (with Sch. 4)
- F4** S. 23(2)(i) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 38(3), **Sch. 6**; S.I. 2012/1662, art. 2(2)(b)
- F5** S. 23(2)(j) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 375**; S.I. 2012/2892, art. 2(i)
- F6** Words in s. 23(7) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 38(3), **Sch. 6**; S.I. 2012/1662, art. 2(2)(b)

#### Commencement Information

- I15** S. 23 in force at 1.4.2010 by [S.I. 2009/3318](#), **art. 4(a)**

## 24 Duty of public authorities to secure involvement: guidance E+W

- (1) The Secretary of State may give guidance to authorities to which section 23 applies (other than the Secretary of State) in relation to the discharge of their duties under that section.
- (2) Guidance under this section—
- (a) may be given generally or to one or more particular authorities;
  - (b) may be different for different authorities;
  - (c) must be published.
- (3) Before giving guidance under this section the Secretary of State must consult the authority or authorities to which it is given.



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- (4) An authority to which section 23 applies must, in deciding how to fulfil its duties under that section, have regard to any guidance given to it under this section.

#### Commencement Information

**I16** S. 24 in force at 1.4.2010 by S.I. 2009/3318, art. 4(b)

## CHAPTER 4 **E+W**

### HOUSING

#### **25 Establishment and assistance of bodies representing tenants etc **E+W****

- (1) The Secretary of State may—
- establish a body with the functions specified in subsections (2) to (5);
  - give financial or other assistance to any person for the purpose of establishing a body with those functions;
  - give financial or other assistance to any body appearing to the Secretary of State to have those functions for the purpose of the carrying out by the body of any or all of those functions.
- (2) The function in this subsection is that of representing, or facilitating the representation of, the views and interests of—
- tenants of social housing in England, or
  - tenants of social housing and other residential property in England.
- (3) The function in this subsection is that of conducting or commissioning research into issues affecting—
- tenants of social housing in England, or
  - tenants of social housing and other residential property in England.
- (4) The function in this subsection is that of promoting the representation by other bodies of—
- tenants of social housing in England or any part of England, or
  - tenants of social housing and other residential property in England or any part of England.
- (5) It is immaterial for the purposes of subsection (1)(a) to (c) that a body may also have other functions.
- (6) Assistance under this section may be given in such form (including financial assistance by way of grant, loan or guarantee) as the Secretary of State considers appropriate.
- (7) Assistance under this section may be given on such terms as the Secretary of State considers appropriate.
- (8) The terms on which assistance under this section may be given include, in particular, provision as to the circumstances in which it must be repaid or otherwise made good to the Secretary of State and the manner in which that must be done.

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(9) A person or body to whom assistance is given under this section must comply with any terms on which it is given.

(10) In this section—

“social housing” has the meaning given by section 68 of the Housing and Regeneration Act 2008 (c. 17);

“tenant”, in relation to social housing, has the meaning given by section 275 of that Act.

## 26 Consultation of bodies representing tenants etc **E+W**

(1) The Housing and Regeneration Act 2008 (c. 17) is amended as follows.

(2) After section 278 insert—

### “278A Power to nominate for consultation purposes

(1) The Secretary of State may for the purposes of the following provisions of this Part nominate a body appearing to the Secretary of State to represent the interests of tenants of social housing in England—

- (a) section 112(4);
- (b) section 174(5);
- (c) section 196(1);
- (d) section 197(4);
- (e) section 216.

(2) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) under this section.”

(3) In each of sections 112(4) (consultation about criteria for registration of providers of social housing) and 174(5) (consultation about disposal of dwellings by registered providers of social housing)—

- (a) after paragraph (b) (and before the “and” following that paragraph) insert—  
“*(ba) any body for the time being nominated under section 278A,*”;
- (b) in paragraph (c), after “one or more” insert “ other ”.

(4) In section 196(1) (consultation about standards etc for registered providers of social housing)—

- (a) after paragraph (b) insert—  
“*(ba) any body for the time being nominated under section 278A,*”;
- (b) in paragraph (c), after “one or more” insert “ other ”.

(5) In section 197(4) (consultation about directions relating to standards)—

- (a) after paragraph (d) insert—  
“*(da) any body for the time being nominated under section 278A,*”;
- (b) in paragraph (e), after “one or more” insert “ other ”.

(6) In section 216 (consultation about guidance to registered providers of social housing)

- (a) after paragraph (a) insert—  
“*(aa) any body for the time being nominated under section 278A,*”;

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- (b) in paragraph (b), after “one or more” insert “ other ”.

## CHAPTER 5 **E+W**

### LOCAL FREEDOMS AND HONORARY TITLES

#### 27 **Local freedoms** **E+W**

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1) insert—
- “(1A) Where the son of a freeman of a city or town may claim to be admitted as a freeman of that place, the daughter of a freeman may likewise claim to be so admitted.
- (1B) The son or daughter of a freeman of a city or town shall be admitted as a freeman whether born before or after the admission, as a freeman, of his or her freeman parent and wherever he or she was born.
- (1C) In subsections (1A) and (1B) “freeman” excludes a freeman of the City of London.”

#### **Commencement Information**

**I17** S. 27 in force at 12.1.2010, see s. 148(1)(d)

#### 28 **Power to amend law relating to local freedoms** **E+W**

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 248 (freemen and inhabitants of existing boroughs), after subsection (1C) insert—
- “(1D) Schedule 28A (amendment of laws relating to freedom of city or town) shall have effect.”
- (3) Before Schedule 29 insert—

### “SCHEDULE 1 **E** **+W**”

#### AMENDMENT OF LAWS RELATING TO FREEDOMS OF CITIES AND TOWNS

##### *Introductory*

- 1 (1) This Schedule makes provision for the laws relating to freedom of a city or town to be amended by, or pursuant to, a resolution of persons admitted to that freedom.
- (2) The powers conferred by this Schedule are without prejudice to any other power to amend the law relating to freedom of a city or town.

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*Status: This version of this part contains provisions that are prospective.*

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(3) In this Schedule—

“appropriate national authority” means—

- (a) the Secretary of State, in relation to a city or town in England;
- (b) the Welsh Ministers, in relation to a city or town in Wales;

“enactment” includes in particular—

- (a) a royal charter or other instrument made under the royal prerogative;
- (b) any instrument made under an enactment.

*Powers to amend law in respect of women and civil partners*

- 2 (1) The purposes of this paragraph are—
  - (a) to provide for a woman to have the right to be admitted to freedom of a city or town in any or all circumstances where a man has that right;
  - (b) to enable a woman admitted to the freedom of a city or town (whether pursuant to this Schedule or otherwise) to use the title “freewoman”;
  - (c) to put a civil partner or surviving civil partner of a person admitted to freedom of a city or town in the same position as a spouse or surviving spouse of such a person.
- (2) The appropriate national authority may by order amend an Act for any purpose of this paragraph, if the amendment is proposed by a qualifying resolution.
- (3) A qualifying resolution may amend—
  - (a) any enactment other than an Act, or
  - (b) the law established by custom,
 for any purpose of this paragraph.
- (4) An amendment may not be made under this paragraph for the purpose specified in sub-paragraph (1)(a) if the effect of the amendment in any case or circumstances would be to deprive a man of the right to be admitted to freedom of a city or town.
- (5) A provision of a public general Act may not be amended under this paragraph unless the provision relates only to—
  - (a) a particular city or town, or
  - (b) a specified group of cities or towns.

*Power to amend royal charters*

- 3 (1) Her Majesty may by Order in Council amend the law relating to rights of admission to freedom of a city or town where—
  - (a) the law is contained in a royal charter; and
  - (b) the amendment is proposed in a qualifying resolution.
- (2) It is immaterial for the purposes of sub-paragraph (1) above whether the amendment is one which could be made under paragraph 2(3) above.
- (3) An Order in Council under this paragraph is not a statutory instrument for the purposes of the Statutory Instruments Act 1946.

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#### *Powers to amend laws established by custom*

- 4 (1) A qualifying resolution may amend the law relating to rights of admission to freedom of a city or town where the law is established by custom.
- (2) The power in sub-paragraph (1) above does not include power to make an amendment which could be made under paragraph 2(3) above.

#### *Consequential amendments*

- 5 (1) The power to make an amendment under paragraph 2(2) above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
    - (a) any enactment, or
    - (b) the law established by custom.
  - (2) The power to make an amendment under paragraph 2(3), 3 or 4 above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
    - (a) any enactment other than an Act, or
    - (b) the law established by custom.
  - (3) Where an amendment is made under paragraph 2(3), 3 or 4 above, the appropriate national authority may by order make consequential amendments to any Act, if the consequential amendments are proposed by a qualifying resolution.
- 6 (1) Where by virtue of an amendment under paragraph 2, 3 or 4 above a person has the right of admission to freedom of city or town, the following amendments in particular are to be regarded as consequential for the purposes of this Schedule—
    - (a) an amendment for the purpose of putting that person in the same position as any other person admitted to that freedom;
    - (b) an amendment for the purpose of putting a person who by marriage, civil partnership, descent, employment or otherwise is or has been related to or associated with that person in the same position as a person correspondingly related to or associated with any other person admitted to that freedom;
    - (c) an amendment for the purpose of putting a person who is or has been related by marriage or civil partnership to a surviving spouse or civil partner or child of that person in the same position as a person correspondingly related to the surviving spouse or civil partner or child of any other person admitted to that freedom.
  - (2) In determining for the purposes of sub-paragraph (1) above whether one relationship corresponds with another, differences of gender are to be ignored.

#### *Qualifying resolutions*

- 7 (1) For the purposes of this Schedule, a “qualifying resolution” is a resolution—
  - (a) in relation to which the requirements of paragraph 8 below are complied with; and

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- (b) which is passed in accordance with paragraph 9 below.
- 8 (1) The requirements of this paragraph in relation to a resolution are as follows.
- (2) The resolution must be proposed by three or more eligible persons.
- (3) Voting on the resolution is to be by postal ballot.
- (4) The proposers must make reasonable endeavours to secure that each eligible person is sent—
- (a) a notice of the ballot, and
- (b) a ballot paper.
- (5) The notice must state—
- (a) the resolution proposed,
- (b) the purpose of the resolution, and
- (c) the date by which ballot papers must be returned (the “voting date”).
- (6) Any notice and ballot paper must be sent at least 28 days before the voting date.
- (7) For the purposes of this paragraph, a notice or ballot paper is sent to a person on the day it is posted by first class post to the last known address of that person.
- 9 (1) A resolution is passed in accordance with this paragraph if—
- (a) it is passed by a majority of the eligible persons voting on the resolution,
- (b) the number of eligible persons voting on the resolution is at least 10% of the number of eligible persons to whom notice is sent under paragraph 8(4) above, and “ the resolution is notified to the relevant council within six weeks from the voting date. ”
- (2) For the purposes of sub-paragraph (1)(c) above, the resolution is notified by delivery of the following documents to the relevant council—
- (a) a copy of the resolution;
- (b) a copy of the notice sent under paragraph 8(4) above;
- (c) a statement in writing of the names of the eligible persons to whom the notice was sent;
- (d) a statement in writing of the number of eligible persons who voted on the resolution and of the number who voted in favour of it;
- (e) all ballot papers returned in accordance with the notice.
- (3) The relevant council must keep the documents delivered under sub-paragraph (2) above, but need not keep those within paragraphs (b) to (e) of that sub-paragraph if it considers that it is no longer reasonably necessary to do so.
- 10 In paragraphs 8 and 9 above—
- “eligible person” means a person whose name is on the roll of persons admitted to the freedom of the city or town concerned kept under section 248(2) above;
- “relevant council” means—
- (a) in relation to a city or town in England—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)

- (i) the district council in whose area the city or town is situated, or
  - (ii) if the city or town is not in the area of a district council, the county council in whose area it is situated;
- (b) in relation to a city or town in Wales, the principal council in whose area the city or town is situated.

*Order-making powers: supplementary*

- 11 (1) A statutory instrument containing an order under this Schedule which contains an amendment to a public general Act is subject to annulment—
- (a) by either House of Parliament, in the case of an order made by the Secretary of State;
  - (b) by the National Assembly for Wales, in the case of an order made by the Welsh Ministers.”
- (4) In section 248—
- (a) in subsection (1), after “this section”, in both places, insert “ and Schedule 28A ”;
  - (b) in subsection (2), for “freemen” substitute “ persons admitted to the freedom ”;
  - (c) in subsection (3)—
    - (i) for “as a freeman” substitute “ to the freedom ”;
    - (ii) for “his”, in both places, substitute “ the person's ”;
    - (iii) for “freemen” substitute “ persons admitted to the freedom ”;
  - (d) in subsection (4), in paragraphs (a), (b) and (c), for “freeman” substitute “ person admitted to the freedom ”.

**Commencement Information**

**I18** S. 28 in force at 12.1.2010, see s. 148(1)(d)

**29 Honorary titles** **E+W**

- (1) Section 249 of the Local Government Act 1972 (c. 70) (honorary aldermen and freemen) is amended as follows.
- (2) In the heading, for “Honorary aldermen and freemen” substitute “ Honorary titles ”.
- (3) In subsection (1) (power of principal councils to confer title of honorary aldermen), after “honorary aldermen” insert “ or honorary alderwomen ”.
- (4) In subsection (2)—
  - (a) after “honorary alderman” insert “ or honorary alderwoman ”;
  - (b) after “as alderman” insert “ or alderwoman ”;
  - (c) after “as an alderman” insert “ or alderwoman ”.
- (5) In subsection (4), after “honorary alderman” insert “ or honorary alderwoman ”.
- (6) After that subsection insert—

“(4A) A principal council may spend such reasonable sum as they think fit for the purpose of presenting an address, or a casket containing an address, to a person

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1. (See end of Document for details)*

on whom they have conferred the title of honorary alderman or honorary alderwoman.”

(7) For subsections (5) to (9) (honorary freemen) there is substituted—

“(5) Subject as follows, a relevant authority may admit to be honorary freemen or honorary freewomen of the place or area for which it is the authority—

- (a) persons of distinction, and
- (b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.

(6) In this section “relevant authority” means—

- (a) a principal council;
- (b) a parish or community council;
- (c) charter trustees in England constituted—
  - (i) under section 246 of the Local Government Act 1972,
  - (ii) by the Charter Trustees Regulations 1996 (SI 1996/263), or
  - (iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007.

(7) The power in subsection (5) above is exercisable by resolution of the relevant authority.

(8) A resolution under subsection (7) above must be passed—

- (a) at a meeting of the relevant authority which is specially convened for the purpose and where notice of the object of the meeting has been given; and
- (b) by not less than two-thirds of the members of the relevant authority (or, in the case of charter trustees, of the trustees) who vote on it.

(9) A relevant authority may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freeman or honorary freewoman under subsection (5) above.

(10) The admission of a person as honorary freeman or honorary freewoman does not confer on that person any of the rights referred to in section 248(4) above.”

#### Commencement Information

**I19** S. 29 in force at 12.1.2010, see s. 148(1)(d)

## CHAPTER 6 **E+W**

### POLITICALLY RESTRICTED POSTS

#### 30 Politically restricted posts **E+W**

(1) The Local Government and Housing Act 1989 (c. 42) is amended as follows.

(2) In section 2 (politically restricted posts), in subsection (2) omit—

- (a) paragraphs (a) and (b), and



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- (b) in paragraph (c), the words “not falling within paragraph (a) or (b) above”.
- (3) In section 3 (grant and supervision of exemptions from political restriction: Scotland and Wales), in subsection (3) omit—
  - (a) in paragraph (a), the word “and”,
  - (b) paragraph (b), and
  - (c) the words from “and it shall” to the end of the subsection.
- (4) In section 3A (grant and supervision of exemptions from political restriction: England), in subsection (2) omit—
  - (a) in paragraph (a), the word “and”,
  - (b) paragraph (b), and
  - (c) the words from “and the relevant” to the end of the subsection.

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**Commencement Information**

**I20** S. 30 in force at 12.1.2010, see s. 148(1)(d)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 1.