Localism Act 2011

2011 CHAPTER 20

PART 8

LONDON

CHAPTER 3

GREATER LONDON AUTHORITY GOVERNANCE

223   Delegation of functions by Ministers to the Mayor

(1) The Greater London Authority Act 1999 is amended as follows.

(2) After section 39 insert—

"Delegation to Mayor of Ministers' functions

39A Delegation by Ministers

(1) A Minister of the Crown may, to such extent and subject to such conditions as that Minister thinks fit, delegate to the Mayor any of that Minister's eligible functions.

(2) A function is eligible for the purposes of subsection (1) above 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 Secretary of State considers that it can appropriately be exercised by the Mayor.

(3) No delegation under subsection (1) above, and no variation of a delegation under subsection (1) above, may be made without the agreement of the Mayor.

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(4) 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.

(5) A delegation under subsection (1) above may be revoked at any time by any Minister of the Crown.

(6) Section 38 above does not apply in relation to functions delegated under subsection (1) above."

(3) In section 409 (schemes for the transfer of property, rights and liabilities)—

    (a)   after subsection (1) (Ministers may make schemes transferring property etc of the Crown) insert—

        "(1A) A Minister of the Crown may make a scheme for the transfer from the Authority to the Crown of such property, rights or liabilities as the Minister of the Crown may consider appropriate in consequence of the revocation of a delegation under section 39A(1) above of a function of any Minister of the Crown.", and

    (b)   in subsections (6) and (7) (provision that may be included in scheme under subsection (1) or (2)) after "subsection (1)" insert ", (1A)".