

English Devolution and Community Empowerment Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Supplementary to the Marshalled List]

After Clause 30

LORD BASSAM OF BRIGHTON

After Clause 30, insert the following new Clause—

“Mayors as authorities on Transport and Work Act 1992 Orders

- (1) The Transport and Works Act 1992 is amended as follows.
- (2) In section 1 (orders as to railways, tramways etc.)—
 - (a) in subsection (1)—
 - (i) for “Secretary of State” substitute “relevant authority”;
 - (ii) omit “, so far as it is in England and Wales”;
 - (b) after subsection (1), insert—

“(1ZA) In this Part, “relevant authority” means—

 - (a) in relation to an order for a scheme located in England & Wales, the Secretary of State;
 - (b) in relation to an order for a scheme wholly located in the area of a mayoral combined authority, the elected Mayor of that authority or the Secretary of State, and, where relevant and without limitation, provisions of this Act are to be construed—
 - (i) to allow applications under section 1 or 3 to be made to and determined by either the Secretary of State or the elected Mayor except that once an application is made, that application must be determined by the authority which has received the application, and
 - (ii) to permit an elected Mayor to carry out functions in relation to such an application or determination which would have otherwise been carried out by the Secretary of State on the date this Act came into

force, excluding any power to make regulations or rules under this Act or any power under section 23 (Exercise of Secretary of State's functions by appointed person) of this Act.”

- (3) In section 3 (orders as to inland waterways etc.)—
 - (a) in subsection (1), for “Secretary of State” substitute “relevant authority”;
 - (b) in subsection (2) –
 - (i) for “Secretary of State” substitute “relevant authority”;
 - (ii) for “his” substitute “its”.
- (4) In section 5 (subject-matter of orders under sections 1 and 3) –
 - (a) for each reference to “Secretary of State” substitute “relevant authority”;
 - (b) in subsection (4)(b), for “him” substitute “it”.
- (5) In section 6 (applications for orders under sections 1 and 3) –
 - (a) in subsection (1) for “Secretary of State” substitute “relevant authority”;
 - (b) in subsection (1), for “him” substitute “it”;
 - (c) in subsection (4), for “he” substitute “it”;
 - (d) in subsections (3) and (7), for each reference to “relevant authority” substitute, “relevant body”.
- (6) In section 6A (cases where Member States are affected), in subsections (1)(a), (1)(b), (1)(c) and (2)(a), for each reference to “Secretary of State” substitute, “relevant authority”.
- (7) In section 9 (schemes of national significance) –
 - (a) except in subsection (6), for each reference to “Secretary of State” substitute “relevant authority”;
 - (b) in subsection (1) –
 - (i) for “he” substitute “it”;
 - (ii) for “his” substitute “its”.
- (8) In section 10 (objections) –
 - (a) except in subsection (1), for each reference to “Secretary of State” substitute “relevant authority”;
 - (b) in subsections (3) and (5) for “he” substitute “it”.
- (9) In section 11 (inquiries and hearings) –
 - (a) for subsection (1) substitute –
 - “(1) The relevant authority may cause a public local inquiry to be held for the purposes of an application under section 6 above and the Secretary of State may cause a public inquiry to be held for the purposes of a proposal by the Secretary of State to make an order by virtue of section 7 above.”;
 - (b) in subsections (2) and (3), for each reference to “Secretary of State” substitute “relevant authority”.
- (10) In section 13 (making or refusal of orders under section 1 or 3: general) –

- (a) in subsection (1) –
 - (i) for “Secretary of State” substitute “relevant authority”;
 - (ii) for the first “he” substitute “the Secretary of State”;
 - (iii) for the second “he” substitute “the relevant authority”;
- (b) in subsections (2) to (4) –
 - (i) for each reference to “Secretary of State” substitute “relevant authority”;
 - (ii) for each reference to “he” substitute “it”;
 - (iii) for each reference to “him” substitute “it”;
 - (iv) for each reference to “his” substitute “its”.

(11) In sections 13A (environmental impact assessment: definitions) to 13D (application or proposal for an EIA order: time limit), for each reference to “Secretary of State” substitute “relevant authority”.

(12) In section 14 (publicity for making or refusal of orders) –

- (a) except in subsections (4A) and (5), for each reference to “Secretary of State” substitute “relevant authority”;
- (b) for each reference to “he” substitute “it”; c. for each reference to “him” substitute “it”.

(13) In section 14A (compulsory acquisition: notice requirements) –

- (a) in subsection (7)(b) for the first reference to “Secretary of State” substitute “relevant authority”;
- (b) in subsection (8), in the definition of “appropriate national authority” for the first reference to “Secretary of State” substitute “relevant authority”.”

Member's explanatory statement

This amendment seeks to give promoters the option to apply to mayors for a Transport and Work Act Order in addition to the Secretary of State.

LORD BASSAM OF BRIGHTON

After Clause 30, insert the following new Clause –

“Mayors as authorities on Transport and Work Act 1992 Orders: consequential amendments

- (1) In section 90(2A) of the Town and Country Planning Act 1990 (development with government authorisation), for “Secretary of State” substitute “person making the order”.
- (2) In section 12(2A) of the Planning (Hazardous Substances) Act 1990 for “Secretary of State” substitute, “person making the order”.
- (3) Section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (reference of certain applications to Secretary of State) is amended as set out in subsections (4) to (6).
- (4) In subsection (3A), for “Secretary of State” substitute “relevant authority”.

(5) After subsection (3A) insert—

“(3B) In subsection (3A) “relevant authority” has the same meaning as in Part 1 of the Transport and Works Act 1992.”

(6) After subsection (4B) insert—

“(4C) Subsection (4) does not apply to an application referred to the Welsh Ministers under this section instead of being dealt with by a local planning authority in Wales.””

Member's explanatory statement

This amendment is consequential on another amendment in Lord Bassam of Brighton's name, which seeks to give promoters the option to apply to mayors for a Transport and Work Act Order in addition to the Secretary of State.

Schedule 29

BARONESS HOEY

Schedule 29, page 311, line 28, at end insert—

“(9A) Where —

- (a) there is disagreement between the owner of the land and the preferred community buyer regarding the market value as determined by the valuer,
- (b) the asset of community value is in danger of being lost, or
- (c) the owner of the asset is unwilling to sell,

the relevant local authority must use their power under section 226 of the Planning Act 1990 to acquire compulsorily the relevant asset of community value, and pay the market value of the asset in accordance with section 14A of the Land Compensation Act 1961.”

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