

English Devolution and Community Empowerment Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
13 March 2026*

[Amendments marked ★ are new or have been altered]

Clause 2

LORD FREYBERG

- ★ Clause 2, page 2, line 21, at end insert “, including through tourism”

Member's explanatory statement

This amendment adds tourism to the “economic development and regeneration” area of competence for strategic authorities.

THE EARL OF CLANCARTY
BARONESS GRIFFIN OF PRINCETHORPE
LORD FREYBERG
BARONESS PRASHAR

Clause 2, page 2, line 24, at end insert —

“(h) the arts, culture and heritage.”

Member's explanatory statement

This amendment adds the arts, culture and heritage as an area of competence for strategic authorities.

After Clause 2

LORD SHIPLEY

After Clause 2 insert the following new Clause—

“Devolution of powers within strategic authority areas

- (1) A strategic authority may devolve to any local authority within its area any power which it holds.
- (2) In carrying out any action under subsection (1), a strategic authority must—
 - (a) consider whether any of its powers may be exercised at a more local level, and
 - (b) where it considers that to be the case, act so as to enable such devolution.
- (3) Each local authority within the area of a strategic authority must—
 - (a) consider whether any of its powers may be exercised at a more local level, and
 - (b) where it considers that to be the case, act so as to enable such devolution.
- (4) Within the period of one year beginning with the day on which this section comes into force, a strategic authority must publish a plan setting out how the strategic authority and its member local authorities intend to carry out their duties under subsections (2) and (3) (a “Community Empowerment Plan”).
- (5) A Community Empowerment Plan must set out how the strategic authority and local authorities within its area will consult local communities on the exercise of those powers which are not devolved to lower-tier bodies.
- (6) A strategic authority must review a Community Empowerment Plan at least once during the period of four years beginning with the day on which the Plan is published.
- (7) In carrying out any function under this section, a strategic authority must ensure effective collaboration with any local authority or other body to which it has devolved powers.
- (8) The Secretary of State may by regulations made by statutory instrument make further provision about the powers of a strategic authority in circumstances where the strategic authority considers there to have been a serious failure or breach of duty in relation to a power devolved to a more local level.
- (9) Regulations made under subsection (8) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would allow a strategic authority to devolve a competency or function to a lower tier of local government.

Clause 9

THE EARL OF CLANCARTY
LORD FREYBERG
LORD PARKINSON OF WHITLEY BAY

Clause 9, page 11, line 4, leave out “7” and insert “8”

Member's explanatory statement

This amendment is connected to an amendment in the Earl of Clancarty's name to clause 2, which would add the arts, culture and heritage as an area of competence.

THE EARL OF CLANCARTY
BARONESS MCINTOSH OF PICKERING
LORD FREYBERG
LORD PARKINSON OF WHITLEY BAY

Clause 9, page 11, line 29, leave out “7” and insert “8”

Member's explanatory statement

This amendment is connected to an amendment in the Earl of Clancarty's name to clause 2, which would add the arts, culture and heritage as an area of competence.

LORD SHIPLEY

Leave out Clause 9

Member's explanatory statement

This amendment would remove the ability of Mayors to appoint commissioners.

After Clause 9

LORD SHIPLEY

After Clause 9, insert the following new Clause—

“Scrutiny of mayoral commissioners

- (1) The mayor of a combined county authority must establish, for each commissioner appointed by the mayor, a scrutiny committee composed of elected members of the constituent local authorities.
- (2) The purpose of each scrutiny committee is to review, assess and report on the exercise of the policy responsibilities of the commissioner to whom it relates.
- (3) Each scrutiny committee must have the following powers—
 - (a) to require the mayor, the relevant commissioner, or any member of their staff to attend before the committee to give evidence;

- (b) to require the production of any documents relevant to the exercise of the commissioner's functions;
 - (c) to publish reports on the committee's findings and recommendations.
- (4) The mayor and the relevant commissioner must have regard to any report or recommendation made by the corresponding scrutiny committee under this section."

Member's explanatory statement

This amendment requires a mayor of a combined county authority to establish a scrutiny committee of elected members with powers of summons to examine and report on the mayor's exercise of functions.

Clause 16

LORD SHIPLEY

Clause 16, page 21, line 5, after "United Kingdom" insert "or an elected member of a local authority"

Member's explanatory statement

This amendment extends the disqualification provisions in Clause 16 to elected members of a local authority.

LORD SHIPLEY

Clause 16, page 21, line 28, at end insert —

"(e) a councillor of a local authority."

Member's explanatory statement

This amendment is connected with another amendment in Lord Shipley's name and extends the disqualification provisions in Clause 16 to elected members of a local authority.

After Clause 22

LORD SHIPLEY
BARONESS PIDGEON

After Clause 22, insert the following new Clause —

"People's Question Time

- (1) The mayor for the area of a mayoral strategic authority or mayoral combined authority must twice in every financial year hold and attend a meeting under this section (to be known as a "People's Question Time") which is to be open to all members of the public.
- (2) The purpose of a People's Question Time is to afford an opportunity to members of the public to put questions to the mayor and to enable the mayor to respond.

- (3) The form of, and procedure for, a People's Question Time is to be such as the mayor may determine.
- (4) At least one month prior to the date on which each People's Question Time is to be held, the mayor must –
 - (a) determine the place at which the meeting is to be held, and
 - (b) take such steps as will in the mayor's opinion give adequate notice of the date and place of the meeting to members of the public."

Member's explanatory statement

This amendment requires the mayor of a mayoral combined authority or combined county authority to hold a public meeting known as a "People's Question Time" twice a financial year to answer questions from the public. This ensures regional mayors are subject to the same level of democratic scrutiny as the Mayor of London, mirroring the existing mayoral provisions contained in section 48 of the Greater London Authority Act 1999.

LORD SHIPLEY

★

After Clause 22, insert the following new Clause –

"Annual appearance of mayor before constituent authorities

- (1) The mayor of a strategic or combined authority must, at least once in each calendar year, attend a meeting convened by each constituent authority of the combined authority area for the purpose of scrutiny.
- (2) At a meeting convened under subsection (1), the mayor must answer questions from members of the constituent authority relating to the exercise of the mayor's functions.
- (3) A meeting under subsection (1) may be attended by members of the constituent authority who are elected councillors of that authority.
- (4) Each constituent authority must make arrangements for the meeting to be held in public, subject to any provision made under section 100A of the Local Government Act 1972 (admission to meetings of principal councils).
- (5) The Secretary of State may by regulations make further provision about –
 - (a) the timing of meetings under this section;
 - (b) the procedure to be followed at such meetings;
 - (c) the publication of records of proceedings.
- (6) Regulations under this section are subject to affirmative resolution procedure.
- (7) In this section –
 - "combined authority" has the same meaning as in section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - "constituent authority" means a local authority that is a constituent member of the combined authority."

Member's explanatory statement

This amendment requires a combined authority mayor to appear annually before each constituent local authority to answer questions from elected councillors, strengthening democratic accountability within devolved areas.

Clause 27

LORD MOYLAN

Leave out Clause 27

Member's explanatory statement

This amendment removes Clause 27 to avoid a potential conflict of interest that would arise from transferring the power to approve the disposal of Transport for London operational land to the Mayor of London, who oversees Transport for London and is also responsible for housing policy in London.

After Clause 30

LORD MOYLAN

After Clause 30, insert the following new Clause –

“Devolution of passenger rail services: national strategy

- (1) The Secretary of State must, within three months of the passing of this Act, prepare and publish a national strategy for the devolution of passenger rail services in England.
- (2) The strategy must set out the Government’s objectives for the devolution of passenger rail services to mayoral combined authorities and other strategic authorities.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a national strategy setting out the Government’s objectives for the devolution of passenger rail services to mayoral combined authorities and other strategic authorities.

After Clause 37

BARONESS MCINTOSH OF PICKERING

After Clause 37, insert the following new Clause –

“Sustainable drainage assessments

- (1) In their functions under this Part related to planning applications, strategic authorities must conduct and publish a sustainable drainage assessment.

- (2) The assessment under subsection (1) must include consideration of whether existing public sewerage systems have capacity to support proposed developments in planning applications.”

LORD BEST
LORD SHIPLEY
LORD LANSLEY

After Clause 37, insert the following new Clause –

“Chief Planner

After section 1 of the Town and Country Planning Act 1990 (local planning authorities), insert –

“1A Local planning authorities and strategic authorities: Chief Planner

- (1) Each local planning authority and each strategic authority, as defined in section 1(2) of the English Devolution and Community Empowerment Act 2026 (strategic authorities), must appoint an officer, to be known as Chief Planner, for the purposes of their functions in relation to planning and spatial development.
- (2) Two or more authorities may, if they consider that the same person can efficiently discharge for both or all of the authorities the functions of Chief Planner, concur in the same appointment of a person as Chief Planner for both or all of these authorities.
- (3) An authority may not appoint a person as Chief Planner unless satisfied that the person has appropriate qualifications and experience for the role.””

Member's explanatory statement

This amendment would require authorities with planning and spatial development functions to appoint a Chief Planner to lead this professional work.

After Clause 56

LORD WALLACE OF SALTAIRE

After Clause 56, insert the following new Clause –

“Mayoral Council for England

- (1) Elected mayors for combined and strategic authorities shall constitute a Mayoral Council for England.
- (2) The Council shall meet with the Secretary of State at least four times a year.
- (3) The functions of the Council are –
- (a) to work with central government to create a framework for the further devolution of power within England,

- (b) to work with central government to agree the fair funding of local and strategic authorities, and
- (c) to choose representatives of the Mayoral Council to participate in the Council of Nations and Regions.”

Clause 59

LORD SHIPLEY

★

Leave out Clause 59

Member's explanatory statement

This amendment and another in Lord Shipley's name removes the requirement to retain a leader and cabinet structure in local government, instead allowing local authorities the choice of determining their own governance models.

After Clause 61

LORD PACK

After Clause 61, insert the following new Clause –

“Restriction on powers to change years of local elections

- (1) In the Local Government Act 2000, for section 87 (power to change years in which elections held) substitute –

“87 Restriction on changing years of ordinary elections

- (1) The years in which ordinary elections of any local authority councillors or mayors are held may be changed only by an Act of Parliament.
- (2) No provision may be made under this Act enabling the Secretary of State or any other person to change the years in which ordinary elections of councillors are to be held by order, regulations or other delegated legislation.”
- (2) In section 88 (separate power to make incidental provisions) omit “or 87” in both places it occurs.
- (3) In the Police Reform and Social Responsibility Act 2011, in section 50 (ordinary elections), after subsection (5) insert –
 - “(5A) An order under this section must not include provision to cancel, postpone or otherwise change the year in which an ordinary election of Police and Crime Commissioners would otherwise be held.”
- (4) In the Local Government and Public Involvement in Health Act 2007 –

- (a) in section 7 (implementation of proposals by order), after subsection (3) insert –
 - “(3A) Except where an order provides for the dissolution of a local authority, an order under this section must not include provision to cancel, postpone or otherwise change the year in which an ordinary election of councillors for a local authority or mayors would otherwise be held.”;
- (b) in section 10 (implementation of recommendations by order), after subsection (4) insert –
 - “(4A) Except where an order provides for the dissolution of a local authority, an order under this section must not include provision to cancel, postpone or otherwise change the year in which an ordinary election of councillors for a local authority would otherwise be held.”.
- (5) Any existing power in any other enactment which permits the Secretary of State by order or regulations to change the year in which a local government election is held shall cease to have effect in relation to that power.
- (6) Any Act whose effect shall include or solely be the changing of the years in which ordinary elections of councillors, mayors, or Police and Crime Commissioners are to be held, shall not be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, unless and until the Secretary of State has –
 - (a) made a statement to both Houses of Parliament certifying that due regard has been given to the impact of the proposed change on the administration and costs of any other elections or referendums scheduled to be held on the same day,
 - (b) made such relevant financial provision as is necessary to ensure that parish councils, town councils, or other smaller authorities do not incur additional financial liabilities resulting from the loss of cost-sharing arrangements with the cancelled or postponed election, and
 - (c) laid before Parliament a written statement setting out the arrangements for ensuring that the democratic mandate of any authority not subject to the change is not undermined by the administrative separation of the polls.”

Member's explanatory statement

This amendment ensures that the years in which ordinary elections for local councillors, mayors, and Police and Crime Commissioners are held can only be changed by an Act of Parliament.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 61, insert the following new Clause –

“Limitation on delay to elections resulting from local government reorganisation

- (1) The Secretary of State may not make any order or regulations to delay the ordinary elections of councillors of any specified authority if –

- (a) the order or regulations result from any change to local government organisation under or by virtue of this Act, and
 - (b) the effect of the order or regulations is to delay any such election by a period exceeding 53 weeks from the date on which it was originally scheduled to be held.
- (2) For the purposes of this section, “any order or regulations” includes—
- (a) an order under section 87 (power to change years in which elections held) of the Local Government Act 2000;
 - (b) an order under sections 7 (implementation of proposals by order), 10 (implementation of recommendations by order) of the Local Government and Public Involvement in Health Act 2007;
 - (c) any other delegated power exercisable by order or by regulations in relation to the scheduling of ordinary elections of councillors.”

Member's explanatory statement

This new clause would prevent the Secretary of State from delaying by more than one year any local government election, if the delay results from local government reorganisation under this Act.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 61, insert the following new Clause—

“Pilot schemes for new local electoral procedures: amendment

- (1) The Representation of the People Act 2000 is amended as follows.
- (2) In section 10 (pilot schemes for local elections in England and Wales), after subsection (4) insert—
 - “(4A) An order under subsection (1) shall be made by statutory instrument, and no such order shall be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (3) Omit section 11 (revision of procedures in the light of pilot schemes).”

Member's explanatory statement

This amendment seeks to (1) apply the affirmative resolution procedure to orders establishing pilot schemes for new local government electoral procedures, and (2) repeal the Secretary of State's order-making power to apply the piloted procedures generally to other local government elections.

LORD PACK

After Clause 61, insert the following new Clause –

“Limitation on powers to delay or change years of local elections

- (1) The years in which ordinary elections of any local authority councillors, mayors, or Police and Crime Commissioners are held may be changed only by an Act of Parliament, subject to the exception in subsection (2).
- (2) The Secretary of State may by order or regulations make provision to delay the ordinary elections of councillors of a specified authority if –
 - (a) the specified authority has submitted a written request to the Secretary of State for such a delay,
 - (b) the Secretary of State is satisfied that the request is justified, having particular regard to –
 - (i) the necessity of the delay to implement a change to local government organisation under or by virtue of this Act,
 - (ii) the financial implications for the authority and the impact on the efficient administration of local government, and
 - (iii) the views of the Electoral Commission, which the Secretary of State must seek and publish prior to making the order or regulations,
 - (c) the effect of the order or regulations is to delay such an election by a period not exceeding 53 weeks from the date on which it was originally scheduled to be held, and
 - (d) the power under this subsection has not been exercised in relation to that specified authority at any time within the five years preceding the date of the request.
- (3) For the purposes of subsection (2), “order or regulations” includes –
 - (a) an order under section 87 of the Local Government Act 2000 (power to change years in which elections held),
 - (b) an order under section 7 or 10 of the Local Government and Public Involvement in Health Act 2007, and
 - (c) any other delegated power exercisable in relation to the scheduling of ordinary elections.
- (4) A statutory instrument containing an order or regulations is subject to affirmative resolution procedure.
- (5) Except as provided for in subsection (2), any existing power in any other enactment which permits the Secretary of State by order or regulations to change the year in which a local government election is held shall cease to have effect.”

Member's explanatory statement

This amendment would provide that the year of ordinary elections for local authority councillors, mayors and Police and Crime Commissioners may only be changed by Act of Parliament, except where the Secretary of State delays an election for up to 53 weeks at the request of the relevant authority and subject to specified conditions, including consultation with the Electoral Commission.

LORD PACK

After Clause 61, insert the following new Clause –

“Local government elections: single transferable vote

- (1) Elections of councillors for local authorities in England must be conducted using the single transferable vote system.
- (2) The Secretary of State must by regulations make provision for the conduct of elections under the single transferable vote system.
- (3) Regulations under subsection (2) may amend or modify any enactment relating to the conduct of local government elections in England, including –
 - (a) section 6 the Local Government Act 1972 (term of office and retirement of councillors);
 - (b) section 36 of the Representation of the People Act 1983 (local elections in England).
- (4) For the purposes of implementing subsection (1), the Local Government Boundary Commission for England must conduct electoral reviews of local authorities in England.
- (5) A review under subsection (4) must –
 - (a) establish multi-member electoral wards for the election of councillors,
 - (b) seek to ensure that each ward returns not fewer than three and not more than five councillors, unless the Commission considers that exceptional local circumstances justify a different number, and
 - (c) have regard to the need to secure –
 - (i) equality of representation,
 - (ii) the reflection of community identities and interests, and
 - (iii) effective local government.
- (6) Reviews carried out under this section must be completed before the first ordinary day of election for councillors occurring after the end of the period of three years beginning with the day on which this Act is passed.
- (7) A statutory instrument containing regulations is subject to the affirmative resolution procedure.”

After Clause 62

BARONESS MCINTOSH OF PICKERING

After Clause 62, insert the following new Clause –

“Local authorities: meetings

- (1) The Secretary of State may by regulations establish arrangements where, in circumstances specified in those regulations, a meeting of a local authority is not limited to a meeting of persons who are all present in the same place.

- (2) Circumstances specified may include circumstances affecting –
 - (a) individual councillors, such as illness or disability, or
 - (b) a council as a whole, such as adverse weather or flooding.
- (3) Regulations under this section are subject to affirmative resolution procedure.”

Member's explanatory statement

This amendment seeks to ensure that local authorities can hold council meetings online, for example if travelling to the council chamber was made difficult by heavy snowfall or flooding.

After Clause 63

BARONESS MCINTOSH OF PICKERING
THE EARL OF CLANCARTY
LORD FREYBERG

After Clause 63, insert the following new Clause –

“Agent of change: integration of new development with existing businesses and facilities

- (1) In this section –
 - “agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;
 - “development” has the same meaning as in section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”);
 - “licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
 - “provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);
 - “relevant authority” means a local planning authority construed in accordance with Part I of the Town and Country Planning Act 1990, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities)
- (2) In exercising any functions under the Town and Country Planning Act 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.
- (3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain a noise impact assessment.
- (4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to –

- (a) the chronology of the introduction of the relevant noise source and the residential development, and
- (b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

BARONESS PINNOCK

After Clause 63, insert the following new Clause –

“Local authority acquisition of dormant assets

- (1) The Secretary of State must by regulations enable a local authority to carry out functions relating to compulsory acquisition of land under section 226A of the Town and Country Planning Act 1990 (inserted by Schedule 16 of this Act) where the local authority is satisfied that any land of community value to be purchased within the authority area is dormant.
- (2) Land of community value is considered dormant if –
 - (a) the land has been included in the authority’s list of assets of community value under section 86A (inserted by Schedule 29 of this Act) for five years continuously,
 - (b) a notice of relevant disposal under section 86M was issued at least once during the five year period under sub-paragraph (a),
 - (c) there has been a preferred community buyer whose offer was rejected despite the buyer offering the value price determined under section 86T or an agreed price with the owner by the end of the negotiation period (see section 86S(4)), and
 - (d) the owner has not entered into a relevant disposal of the land with any other buyer during the permitted sale period under section 86M(6).
- (3) Regulations made under this section are subject to affirmative resolution procedure.”

Member's explanatory statement

This new clause would allow the Secretary of State to authorise a local authority to engage the compulsory acquisition function under Schedule 16 of this Act if the land is considered dormant.

LORD BANNER
LORD GRABINER

★ After Clause 63, insert the following new Clause –

“CHAPTER 2A

LAND DISPOSED OF BY LOCAL COUNCILS

Discharge of statutory trusts

Secretary of State to have power to discharge statutory trusts

- (1) LGA 1972 is amended in accordance with this section.
- (2) After section 128 (consents to land transactions by local authorities and protection of purchasers) insert –

“Discharge of statutory trusts

128A Statutory trust discharge orders

- (1) The Secretary of State may make an order under this section in relation to land in England (a “statutory trust discharge order”).
- (2) The Secretary of State may not make a statutory trust discharge order in relation to land unless –
 - (a) a person has applied to the Secretary of State for the statutory trust discharge order to be made in relation to the land, and
 - (b) the Secretary of State is satisfied that the qualifying conditions are met (see section 128D).
- (3) The effect of an order being made in relation to land is that the land is freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with –
 - (a) section 164 of the Public Health Act 1875 (pleasure grounds), or
 - (b) section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds).
- (4) The order has that effect in relation to that land generally (and so its effect is not limited to that land as freehold or leasehold land as held by the applicant for the order).
- (5) The Secretary of State may, by regulations, make provision as to the making and determination of any application for a statutory trust discharge order.
- (6) Regulations under subsection (5) may in particular make provision as to –
 - (a) the steps to be taken by a person before making an application;
 - (b) the form of an application;
 - (c) the information or evidence to be supplied with an application;
 - (d) the publication of an application;

- (e) the holding of an inquiry before determination of an application;
 - (f) the evidence to be taken into account in making a determination and the weight to be given to any evidence.
- (7) Regulations under subsection (5) may include provision for the Secretary of State to appoint a person to discharge any or all of the Secretary of State's functions in relation to an application for a statutory trust discharge order.
- (8) The power under subsection (5) to make regulations includes power to make—
 - (a) different provision for different cases;
 - (b) incidental, supplementary or consequential provision;
 - (c) transitional or saving provision.
- (9) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Section 128G contains further provision about the making of statutory trust discharge orders.

128B Applications for statutory trust discharge orders

- (1) A person making an application must have regard to any guidance issued by the Secretary of State (whether relating to how the application is made or to its form or content).
- (2) Qualifying condition B (see section 128D(3)) limits which kind of person is able to make a successful application.
- (3) An application may be varied after it has been made (and section 128A, this section, and sections 128D to 128G then apply to the application as varied).
- (4) The Secretary of State may require a person making an application to pay a fee before the Secretary of State considers the application (the “application fee”).
- (5) The application fee is to be of an amount specified in, or determined in accordance with, regulations made under section 128A(5).
- (6) The determination of an application for a statutory trust discharge order which relates to particular land does not prevent a further application from being made subsequently in relation to the same land.
- (7) But the Secretary of State may reject a further application if the Secretary of State considers that there has not been a material change in the circumstances relevant to the qualifying conditions.
- (8) If a further application is rejected, the Secretary of State must publish notice of the rejection in the manner which the Secretary of State considers appropriate.

128C Applications where land has been divided up

- (1) This section applies where –
 - (a) a principal council, parish council or parish meeting appropriated or disposed of land, and
 - (b) the freehold or leasehold title to that land has subsequently been divided.
- (2) An application may be made in relation to the land comprised in any of the relevant titles.
- (3) A single joint application may be made in relation to the land comprised in two or more of the relevant titles, and, in the case of such an application, the question of whether the qualifying conditions are met must be decided separately in relation to the land comprised in each title.
- (4) For the purposes of this section –
 - (a) a freehold title is “divided” if either or both of the following occurs –
 - (i) the title is divided into two or more different freehold titles;
 - (ii) a lease (including a sublease) is granted over some or all of the land comprised in the freehold title;
 - (b) a leasehold title is “divided” if –
 - (i) the title is divided into two or more different leasehold titles (for example by an assignment of part);
 - (ii) a sublease (including a sublease that is not immediately inferior to the leasehold title) is granted over some or all of the land comprised in the leasehold title.
- (5) In this section “relevant title” means –
 - (a) the freehold title to the whole or a part of the land appropriated or disposed of;
 - (b) the title to a long lease of the whole or a part of the land appropriated or disposed of.

128D The qualifying conditions

- (1) This section sets out the “qualifying conditions” (referred to in section 128A(2)(b)).
- (2) *Qualifying condition A*: the application for the statutory trust discharge order identifies land in England in relation to which the order is being sought.
- (3) *Qualifying condition B*: the applicant for the order is –
 - (a) the freehold owner of the relevant land, or
 - (b) the tenant of the relevant land under a long lease, whether granted before or after commencement,at the time of the application (whether or not by virtue of the previous appropriation or disposal).

- (4) *Qualifying condition C*: a principal council, parish council or parish meeting –
 - (a) appropriated, or
 - (b) disposed of,
 the relevant land at a time before the application for the statutory trust discharge order is made (the “previous appropriation or disposal”).
- (5) It does not matter whether the previous appropriation or disposal occurred before or after commencement.
- (6) *Qualifying condition D*: the previous advertisement procedure was not complied with in relation to the previous appropriation or disposal.
- (7) For the purposes of determining whether qualifying condition D is met –
 - (a) it is sufficient that the previous advertisement procedure was not complied with;
 - (b) accordingly, it is irrelevant –
 - (i) whether the previous advertisement procedure in fact had to be complied with, or
 - (ii) whether the land was in fact land held in trust for enjoyment by the public in accordance with a trust of the kind mentioned in section 128A(3).
- (8) Section 128F includes provision for presuming that the previous advertisement procedure was not complied with; and qualifying condition D must be taken to be met if that presumption is made.
- (9) *Qualifying condition E*: the new publicity requirements have been complied with.
- (10) *Qualifying condition F*: it is in the public interest for the relevant land to be freed from the trusts by virtue of the order.
- (11) The reference in subsection (10) to the public interest includes the public interest in –
 - (a) nature conservation;
 - (b) the conservation of the landscape;
 - (c) the protection of public rights of access to the relevant land;
 - (d) the protection of archaeological remains and features of historic interest;
 - (e) development proposals relating to the relevant land;
 - (f) economic, environmental or social benefits which the order would facilitate if made.

128E The new publicity requirements

- (1) This section sets out the “new publicity requirements” (referred to in qualifying condition E in section 128D(9)).

- (2) The applicant must publish a notice of the application in four consecutive weeks –
 - (a) in a local newspaper, and, if there are two or more local newspapers, it must be the main local newspaper;
 - (b) if there is no local newspaper, either –
 - (i) in a national newspaper, or
 - (ii) on a website with a readership in the local area that is comparable to the readership of a local newspaper.
- (3) If –
 - (a) a newspaper is published in print and on a website, and
 - (b) it is possible to publish notices of the kind required by subsection (2) in both versions,a requirement under subsection (2) to publish a notice in the newspaper can only be complied with by publication of the notice in both versions.
- (4) If the applicant is a principal council, a parish council or parish trustees, they must also publish a notice of the application for a period of 28 days on their website (if they have one).
- (5) The applicant must display a notice of the application for a period of 28 days at the point of entry, or at the main points of entry, to the relevant land.
- (6) The Secretary of State must publish a notice of the application for a period of 28 days on the website, or main website, containing information about the Secretary of State’s department.
- (7) A notice under this section must identify the relevant land.
- (8) A notice under this section must –
 - (a) state that a person who wishes to make representations about whether or not the order should be made may notify the Secretary of State of the representations, and
 - (b) state the manner in which, and date by which, representations must be notified;and that date must be later than the last day of the period of 56 days beginning with the day when that notice is first published or displayed.
- (9) When publishing or displaying a notice under this section, the applicant must have regard to any guidance issued by the Secretary of State (whether relating to its publication or display or its form or content).
- (10) In this section –
 - “local area” means area in which the relevant land is situated;
 - “local newspaper” means a newspaper circulating in the local area.

128F Previous advertisement procedure: co-operation by councils etc and presumption

- (1) This section applies if an application has been made to the Secretary of State for a statutory trust discharge order.
- (2) The Secretary of State must notify the relevant council or parish trustees of –
 - (a) the application,
 - (b) the relevant land, and
 - (c) the information about the previous appropriation or disposal which the Secretary of State has as a result of the application.
- (3) Within the response period, the relevant council or parish trustees must give the Secretary of State –
 - (a) notice which –
 - (i) confirms that the previous advertisement procedure was complied with in relation to the previous appropriation or disposal,
 - (ii) confirms that the previous advertisement procedure was not complied with in relation to the previous appropriation or disposal, or
 - (iii) states that the relevant council or parish trustees are not able to confirm either of those things, and
 - (b) any information relating to compliance, or non-compliance, with the previous advertisement procedure which the relevant council or parish trustees have.
- (4) If the relevant council or parish trustees –
 - (a) give the Secretary of State a notice under subsection (3)(a)(iii) within the response period, or
 - (b) do not give the Secretary of State any notice under subsection (3)(a) within the response period,
 the Secretary of State must presume that the previous advertisement procedure was not complied with in relation to the previous appropriation or disposal, unless the Secretary of State is satisfied that the procedure was complied with.
- (5) In this section –

“relevant council or parish trustees” means –

 - (a) in a case where a principal council undertook the previous appropriation or disposal, the principal council for the area where the relevant land is situated;
 - (b) in a case where a parish council undertook the previous appropriation or disposal –
 - (i) the parish council or parish trustees for the area where the relevant land is situated, or

- (ii) if the relevant land is no longer in the area of a parish, the principal council for the area where the relevant land is situated;
 - (c) in a case where a parish meeting undertook the previous appropriation or disposal –
 - (i) the parish trustees or parish council for the area where the relevant land is situated, or
 - (ii) if the relevant land is no longer in the area of a parish, the principal council for the area where the relevant land is situated;
- “response period”, in relation to a notification given by the Secretary of State under subsection (2), means the period of 28 days beginning with the day on which the notice is received by the relevant council or parish trustees.

128G Making statutory trust discharge orders

- (1) In deciding whether to make a statutory trust discharge order, the Secretary of State must take into account all matters that are relevant, including these matters –
 - (a) whether, and how, the person making the application has had regard to the guidance issued by the Secretary of State under section 128B(1) and section 128E(9);
 - (b) any representations about whether or not the order should be made that are notified to the Secretary of State (including any representations made by persons who are freehold owners, or tenants, of land comprised in the previous appropriation or disposal but who are not applying for the order).
- (2) A statutory trust discharge order may relate to only some of the relevant land specified in the application.
- (3) A statutory trust discharge order takes effect –
 - (a) on the day after the day on which the order is made, or
 - (b) if the order specifies a later day on which it is to take effect, on that day.
- (4) In relation to each application for a statutory trust discharge order, the Secretary of State –
 - (a) must publish notice of the decision whether or not to make the order, and
 - (b) if the order is made, must publish the order.
- (5) That notice, or the order, is to be published in the manner which the Secretary of State considers appropriate.

128H Sections 128A to 128G: interpretation and application to the Crown

- (1) In sections 128A to 128G and this section –

“application” means an application for a statutory trust discharge order;

“commencement” means the coming into force of section (*Secretary of State to have power to discharge statutory trusts*) of the English Devolution and Community Empowerment Act 2025;

“long lease” means a lease which was granted for a term of 20 years or longer;

“new publicity requirements” has the meaning given in section 128E(1);

“previous advertisement procedure” means whichever of the following applied to the previous appropriation or disposal –

- (a) the requirement to advertise notice of the intention to make the appropriation in accordance with –
 - (i) section 122(2A) in the case of an appropriation by a principal council;
 - (ii) section 126(4A) in the case of an appropriation by a parish council or parish meeting;
- (b) the requirement to advertise notice of the intention to make the disposal in accordance with –
 - (i) section 123(2A) in the case of a disposal by a principal council;
 - (ii) section 123(2A) as applied by section 127(2) in the case of a disposal by a parish council or parish meeting;

“previous appropriation or disposal” has the meaning given in section 128D(4);

“qualifying conditions” has the meaning given in section 128D(1);

“relevant land” means the land identified in the application for a statutory trust discharge order as the land relation to which the order is being sought;

“statutory trust discharge order” has the meaning given in section 128A(1).

- (2) A reference in sections 128A to 128G to the freehold owner, or the tenant under a long lease, is a reference to –
 - (a) the Crown Estate Commissioners, if the freehold or long lease belongs to His Majesty in right of the Crown and forms part of the Crown Estate;
 - (b) the government department having the management of the freehold or long lease, if it belongs to His Majesty in right of the Crown but does not form part of the Crown estate;
 - (c) the government department concerned, if the freehold or long lease belongs to a government department or is held in trust for His Majesty for the purposes of a government department;
 - (d) a person appointed by His Majesty in writing under the Royal Sign Manual, or if no such appointment is made the Secretary of State, if the freehold or long lease belongs to His Majesty in right of His

private estates (which must be construed in accordance with section 1 of the Crown Private Estates Act 1862);

- (e) the Chancellor of the Duchy of Lancaster, if the freehold or long lease belongs to His Majesty in right of the Duchy of Lancaster;
- (f) a person appointed by the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, if the freehold or long lease belongs to the Duchy of Cornwall.”

- (3) In section 266(1) (orders which are to be made by statutory instrument), for “other than section 261 above” substitute “other than section 128A(1)”.

Member's explanatory statement

This amendment seeks to enable the Secretary of State to make an order in relation to land previously appropriated or disposed of by a council. The order would discharge the land from statutory trusts relating to open land that arise under section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1906.

After Clause 73

BARONESS MCINTOSH OF PICKERING

After Clause 73, insert the following Clause –

“Local planning authority: duty to consult fire and rescue services

- (1) Where a local planning authority is considering a planning application relating to energy infrastructure, the local planning authority must consult the local fire and rescue service for the place which the application relates to.
- (2) The local planning authority must have regard to any increased fire risk arising from the infrastructure project when assessing the application.”

Member's explanatory statement

This probing amendment seeks to ensure that where a planning application relates to energy projects (for example, battery energy storage systems), fire and rescue services are statutory consultees.

Clause 89

BARONESS MCINTOSH OF PICKERING

Clause 89, page 86, line 35, at end insert –

- “(A1) Before making any regulations under this Act, the Secretary of State must publish an assessment of the impact of this Act on rural areas, including its costs and benefits.”

Schedule 1

LORD TEVERSON

- ★ Schedule 1, page 112, line 23, at end insert –

“(2A) The local authority of the local government area does not have any specific responsibility for and stewardship of the rights of its population under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.”

Member's explanatory statement

This amendment seeks to prevent an area from being added to another combined authority, if that authority for that area has responsibilities relating to a protected national minority and language. It is intended that this provision would apply to Cornwall.

LORD TEVERSON

- ★ Schedule 1, page 113, line 39, at end insert –

“(4A) The CCA does not have a specific responsibility for and stewardship of the rights of its population under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.”

Member's explanatory statement

This amendment seeks to prevent a CCA from being required to have a mayor if that authority has responsibilities relating to a protected national minority and language. It is intended that this provision would apply to Cornwall.

LORD TEVERSON

- ★ Schedule 1, page 114, line 12, at end insert –

“47C Non-mayoral CCAs: powers

Where –

- (a) there is CCA without a mayor, and
- (b) that CCA has a specific responsibility for and stewardship of the rights of its population under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,

the Secretary must by regulations make provision to ensure that the CCA does not have fewer powers than it would if it were an established CCA with a mayor.”

Member's explanatory statement

This amendment seeks to ensure that a non-mayoral CCA has the same powers as a mayoral strategic or combined county authority, if the authority covering that area has responsibilities

relating to a protected national minority and language. It is intended that this provision would apply to Cornwall.

Schedule 3

BARONESS MCINTOSH OF PICKERING

Schedule 3, page 123, line 4, at end insert –

“(1A) The mayor must appoint a commissioner with competence for rural affairs if their authority is a majority or intermediate rural authority according to the Rural Urban Classification.”

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to ensure that Mayors in rural areas must appoint an extra commissioner, who would have responsibility for rural affairs.

BARONESS MCINTOSH OF PICKERING

Schedule 3, page 130, line 27, at end insert –

“(1A) The mayor must appoint a commissioner with competence for rural affairs if their authority is a majority or intermediate rural authority according to the Rural Urban Classification.”

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to ensure that Mayors in rural areas must appoint an extra commissioner, who would have responsibility for rural affairs.

LORD SHIPLEY

Leave out Schedule 3

Member's explanatory statement

This amendment relates to another amendment in Lord Shipley's name removing the power to appoint Mayoral Commissioners in the Bill.

Schedule 5

BARONESS MCINTOSH OF PICKERING

Schedule 5, page 146, line 11, at end insert –

“(3) The regulations must make provision for a licence to prohibit the provider of micromobility vehicles from providing a pedal cycle or electrically assisted pedal cycle to a person who does not have insurance.”

Schedule 9

LORD MOYLAN

Schedule 9, page 159, line 28, at end insert—

“(1C) The key route network must consist only of classified numbered roads carrying strategic motor traffic.”

Member's explanatory statement

This amendment ensures that the highways or proposed highways that constitute the KRN are genuinely strategic.

LORD MOYLAN

Schedule 9, page 160, line 25, at end insert—

“(1C) The key route network must consist only of classified numbered roads carrying strategic motor traffic.”

Member's explanatory statement

This amendment ensures that the highways or proposed highways that constitute the KRN are genuinely strategic.

Schedule 20

BARONESS MCINTOSH OF PICKERING
LORD FREYBERG
THE EARL OF CLANCARTY

Schedule 20, page 227, line 22, at end insert—

“(2A) The mayoral combined authority must include amongst the projects identified measures that will promote growth through the safeguarding and promotion of existing cultural, creative, and community infrastructure such as grassroots music venues, theatres and other live performance spaces.”

Member's explanatory statement

This amendment, connected with another in the name of Baroness McIntosh of Pickering, seeks to ensure that local growth plans include provision about cultural venues.

BARONESS MCINTOSH OF PICKERING
LORD FREYBERG
THE EARL OF CLANCARTY

Schedule 20, page 229, line 23, at end insert—

“(2A) The mayoral CCA must include amongst the projects identified measures that will promote growth through the safeguarding and promotion of existing cultural, creative, and community infrastructure such as grassroots music venues, theatres and other live performance spaces.”

Member's explanatory statement

This amendment, connected with another in the name of Baroness McIntosh of Pickering, seeks to ensure that local growth plans include provision about cultural venues.

Schedule 27

LORD SHIPLEY

★

Leave out Schedule 27

Member's explanatory statement

This amendment and another in Lord Shipley's name removes the requirement to retain a leader and cabinet structure in local government, instead allowing local authorities the choice of determining their own governance models.

English Devolution and Community Empowerment Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
13 March 2026*

13 March 2026

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS