EXPLANATORY MEMORANDUM TO

THE COMBINED AUTHORITIES (OVERVIEW AND SCRUTINY COMMITTEES, ACCESS TO INFORMATION AND AUDIT COMMITTEES) (AMENDMENT) ORDER 2026

2026 No. 517

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Baroness Taylor of Stevenage, Lords Minister for Housing and Local Government at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Melissa Brown, Deputy Director for English Devolution Strategy and Institutions at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jennifer Hope at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: EnglishDevolution@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument specifies independent remuneration panels established by Combined Authorities (CAs) and Combined County Authorities (CCAs) as "relevant remuneration panels" for the purposes of paying allowances to mayoral commissioners.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 Section 9 of, and Schedule 3 to, the English Devolution and Community Empowerment Act 2026 ("the 2026 Act") provide for the mayor of a CA or CCA to appoint up to ten commissioners, each of whom can assist on one of the areas of competence, as defined in section 2 of the Act.

5.2 The 2026 Act provides that a CA or CCA can make a scheme to pay allowances to commissioners if certain conditions are met. Details on establishing a scheme are covered in statutory guidance on commissioners[1], which was published on Thursday 16 April 2026 and came into effect on Royal Assent of the 2026 Act.

5.3 One condition for a CA or CCA to make a scheme is that they must consider a report published by a "relevant remuneration panel," which contains recommendations on allowances payable under the scheme. "Relevant remuneration panel" is defined as a panel specified in secondary legislation by the Secretary of State.

5.4 This instrument specifies a "relevant remuneration panel" as an independent remuneration panel established by a CA or CCA. These panels are responsible for reviewing and recommending the levels of allowances and expenses paid to elected officials and appointed members within a CA or CCA. It ensures that the process for setting allowances is open, transparent and independent of politicians.

5.5 These panels are the most effective and efficient panel to take on this role, without adding undue burden to their existing duties.

What was the previous policy, and how is this different?

5.6 Without this instrument, it would not be possible for CAs or CCAs to pay commissioners for their work, as they would not be able to establish a scheme to pay allowances.

5.7 The 2026 Act established the ability of mayors to appoint commissioners; this SI gives effect to that policy, by ensuring that they can be paid according to a payment scheme recommended by the independent remuneration panel.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument is made under powers in the Levelling-up and Regeneration Act 2023 and the Local Democracy, Economic Development and Construction Act 2009. These powers are contained in provisions inserted by section 9 of, and Schedule 3 to, the 2026 Act. Under those provisions, CAs and CCAs may make schemes to pay allowances to commissioners, subject to certain conditions including consideration of a report published by a "relevant remuneration panel". This is defined as a panel specified, or of description specified, by the Secretary of State in secondary legislation.

6.2 This instrument amends the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 to specify relevant remuneration panels to be independent remuneration panels established by CAs and CCAs.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes. Independent remuneration panels established by CAs and CCAs under the 2017 Order are best placed to carry out this function. This approach also avoids putting undue burdens on CAs and CCAs to establish new remuneration panels.

[1] https://www.gov.uk/government/publications/appointing-mayoral-commissioners-and-settingreporting-allowances

7. Consultation

Summary of consultation outcome and methodology

7.1 The 2026 Act, which was a manifesto commitment, has undergone significant scrutiny and consultation where appropriate. This SI implements a technical detail in the scheme of the Act, and thus does not require formal consultation. Informal consultation was undertaken on the statutory guidance supporting this instrument.

8. Applicable Guidance

8.1 Guidance is not being provided for this specific instrument, but wider guidance on Commissioners and paying allowances was published on Thursday 16 April 2026, and came into effect on Royal Assent[2].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full impact assessment has not been prepared for this instrument, as no significant impact on the private, voluntary or public sector is foreseen.

9.2 The English Devolution and Community Empowerment Act 2026 underwent a full impact assessment[3].

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies because it relates to a technical aspect of a policy relating to CAs and CCAs.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector. The impact on CAs and CCAs is small, as the instrument confers a new function on existing remuneration panels, rather than requiring the establishment of a new panel.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The English Devolution Accountability Framework[4] sets out how Strategic Authorities will be held to account at local level, by central Government and by the public.

10.2 The framework aims to ensure that devolved powers are exercised transparently, ethically, and effectively, delivering value for money and aligning with national and local priorities.

10.3 The Government intends to update this framework to reflect changes made to the system of accountability by measures in the English Devolution and Community Empowerment Act 2026.

[2] https://www.gov.uk/government/publications/appointing-mayoral-commissioners-and-settingreporting-allowances
[3] https://www.gov.uk/government/publications/english-devolution-and-community-empowerment-bill-impact-assessment
[4] https://www.gov.uk/government/publications/english-devolution-accountability-framework

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.