Draft Regulations laid before Parliament under section 17(5) of the Cities and Local Government Devolution Act 2016 (c. 1), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

LOCAL GOVERNMENT, ENGLAND

HOUSING, ENGLAND

The Buckinghamshire Council, Surrey County Council and Warwickshire County Council (Housing and Regeneration Functions) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 16(1)(a), (2)(a), (3)(b) and section 17(2)(b) and (c) of the Cities and Local Government Devolution Act 2016(**a**) ("the 2016 Act").

In accordance with section 17(1)(a) and (b) of the 2016 Act(**b**)—

(a) Buckinghamshire Council, Surrey County Council and Warwickshire County Council have consented to the making of these Regulations, and

(b) the Secretary of State considers that the making of these Regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the areas of the local authorities to which these Regulations relate.

In accordance with section 17(6) of the 2016 Act, the Secretary of State has laid a report before Parliament explaining the effect of these Regulations and why the Secretary of State considers it appropriate to make these Regulations.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 17(5) of the 2016 Act.

(**a**) 2016 c. 1.
(**b**) Section 17(1)(a) was amended by section 72 of the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act"). Section 17(1)(b) was amended by section 73 of the 2023 Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Buckinghamshire Council, Surrey County Council and Warwickshire County Council (Housing and Regeneration Functions) Regulations 2025.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

"the 2008 Act" means the Housing and Regeneration Act 2008(**a**);

"the HCA" means the Homes and Communities Agency(**b**);

"the Local Authorities" mean Buckinghamshire Council, Surrey County Council and Warwickshire County Council;

"local government area" means the area of a county council or a district council;

"the respective local government areas" mean—

(a) for Buckinghamshire Council, the local government area of Buckinghamshire,

(b) for Surrey County Council, the local government area of Surrey, and

(c) for Warwickshire County Council, the local government area of Warwickshire.

Conferral of functions on the Local Authorities in relation to the respective local government areas

3.—(1) The functions of or relating to the HCA specified in the following provisions of the 2008 Act, as applied by regulation 5, are to be functions of or relating to the Local Authorities that are exercisable in relation to the respective local government areas—

(a) section 5 (powers to provide housing or other land);

(b) section 6 (powers for regeneration, development or effective use of land);

(c) section 7 (powers in relation to infrastructure);

(d) section 8 (powers to deal with land etc.);

(e) section 9 (acquisition of land);

(f) section 10 (restrictions on disposal of land);

(g) section 19 (powers to give financial assistance)(**c**);

(h) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.);

(i) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(2) The Local Authorities must exercise the functions mentioned in paragraph (1) for the purposes of, or for purposes incidental to, the objectives of—

(a) improving the supply and quality of housing in the respective local government areas,

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(**a**) 2008 c. 17.

(**b**) The Homes and Communities Agency is a non-departmental public body sponsored by the Ministry of Housing, Communities and Local Government. Homes England has been the trading name for the HCA since 1st January 2018.

(**c**) Section 19 was amended by S.I. 2018/1040.

(b) securing the regeneration or development of land or infrastructure in the respective local government areas,

(c) supporting in other ways the creation, regeneration or development of communities in the respective local government areas or their continued well-being, and

(d) contributing to the achievement of sustainable development and good design in the respective local government areas,

with a view to meeting the needs of people living in the respective local government areas.

(3) The functions mentioned in paragraph (1) are exercisable by each Local Authority concurrently with the HCA in relation to the respective local government areas.

(4) Each function mentioned in paragraph (1)—

(a) may be exercised separately or together with, or as part of, another function,

(b) does not limit the scope of another function.

(5) In paragraph (2)—

(a) "good design" and "needs" have the meanings given by section 2(2) of the 2008 Act,

(b) "housing", "infrastructure" and "land" have the meanings given by section 2(3)(**a**) of the 2008 Act, and

(c) the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

Condition on the exercise of functions conferred by regulation 3

4. The exercise of any function conferred on Surrey County Council or Warwickshire County Council by regulation 3 in relation to section 9(2) of the 2008 Act (compulsory acquisition of land) requires the consent of each district council(**b**) in whose local government area the function is being exercised.

Application of the 2008 Act

5.—(1) For the purpose of the exercise by the Local Authorities of the functions mentioned in regulation 3, sections 5 to 12 and 19 of, and Schedules 2 to 4 to, the 2008 Act(**c**) apply in relation to the Local Authorities with the modifications set out in the Schedule.

(2) Section 2(3) of the 2008 Act applies for the purpose of interpreting the applied provisions mentioned in paragraph (1).

(**a**) Section 2(3) was amended by section 118 of, and paragraph 51 of Schedule 3 to, the Digital Economy Act 2017 (c. 30).

(**b**) The county of Surrey has 11 district councils: Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council. The county of Warwickshire has 5 district councils: North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council, Warwick District Council.

(**c**) Section 11 was amended by section 32 of the Infrastructure Act 2015 (c. 7) ("the 2015 Act"). Section 19 was amended by paragraph 4 of the Schedule to S.I. 2018/1040. Paragraph 11 of Schedule 2 was substituted by paragraphs 6 and 7 of Schedule 17 to the Housing and Planning Act 2016 (c. 22) ("the 2016 Act"). In Schedule 3, the title was amended by section 32 of the 2015 Act and Part 1 was omitted by paragraph 16 of Schedule 19 to the 2016 Act. Paragraphs 8 and 15 of Schedule 4 were amended by paragraph 15 of the Schedule to S.I. 2023/424.

Name
Address Minister of State
Date Ministry of Housing, Communities and Local Government

SCHEDULE

Regulation 5

Modification of the application of Part 1 of the 2008 Act

PART 1

General

1. Sections 5 to 12 and 19 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the Local Authorities as modified in accordance with the following provisions.

2. In this Schedule, a reference to a section or to a Schedule is to be read as a reference to a section of, or to a Schedule to, the 2008 Act.

PART 2

Modification of provisions of the 2008 Act in their application to Buckinghamshire Council

3. Sections 5 to 11 and 19, and Schedules 2 to 4 (with the exception of paragraphs 1(2) and 2(2) of Schedule 2), have effect as if for each reference to "the HCA" there were substituted "Buckinghamshire Council".

4. Sections 5, 6, 8, 9 and 10 have effect as if for every reference to "land" there were substituted "land in the area of Buckinghamshire Council".

5. Part 1 of Schedule 2 (compulsory acquisition of land) has effect as if for each reference to "section 9" there were substituted a reference to "regulation 3 of the Buckinghamshire Council, Surrey County Council and Warwickshire County Council (Housing and Regeneration Functions) Regulations 2025".

PART 3

Modification of provisions of the 2008 Act in their application to Surrey County Council

6. Sections 5 to 11 and 19, and Schedules 2 to 4 (with the exception of paragraphs 1(2) and 2(2) of Schedule 2), have effect as if for each reference to "the HCA" there were substituted "Surrey County Council".

7. Sections 5, 6, 8, 9 and 10 have effect as if for every reference to "land" there were substituted "land in the area of Surrey County Council".

8. Part 1 of Schedule 2 (compulsory acquisition of land) has effect as if for each reference to "section 9" there were substituted a reference to "regulation 3 of the Buckinghamshire Council, Surrey County Council and Warwickshire County Council (Housing and Regeneration Functions) Regulations 2025".

PART 4

Modification of provisions of the 2008 Act in their application to Warwickshire County Council

9. Sections 5 to 11 and 19, and Schedules 2 to 4 (with the exception of paragraphs 1(2) and 2(2) of Schedule 2), have effect as if for each reference to "the HCA" there were substituted "Warwickshire County Council".

10. Sections 5, 6, 8, 9 and 10 have effect as if for every reference to "land" there were substituted "land in the area of Warwickshire County Council".

11. Part 1 of Schedule 2 (compulsory acquisition of land) has effect as if for each reference to "section 9" there were substituted a reference to "regulation 3 of the Buckinghamshire Council, Surrey County Council and Warwickshire County Council (Housing and Regeneration Functions) Regulations 2025".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer the following functions of or relating to the Homes and Communities Agency under the Housing and Regeneration Act 2008 ("the 2008 Act") on Buckinghamshire Council, Surrey County Council and Warwickshire County Council ("the Local Authorities")—

- powers to provide housing or other land,
- powers for regeneration, development or effective use of land,
- powers in relation to infrastructure,
- powers to deal with land etc.,
- acquisition of land,
- restrictions on disposal of land,
- powers to give financial assistance,
- powers in relation to burial grounds and consecrated land etc., and
- extinguishment or removal powers (and other related functions).

Regulation 3 provides that the functions are to be exercised by each Local Authority concurrently with the Homes and Communities Agency in relation to their respective local government areas.

Regulation 4 imposes a condition that, before exercising the function to acquire land compulsorily under section 9(2) of the 2008 Act, Surrey County Council and Warwickshire County Council must obtain the consent of each district council in whose local government area the function is being exercised.

Regulation 5 and the Schedule apply and modify relevant provisions of the 2008 Act for the purpose of the Local Authorities exercising the functions conferred on them under regulation 3.

A full regulatory impact assessment has not been prepared as these Regulations will have no impact on the costs of the business and voluntary sectors. The impact on the public sector is that conferring functions on the Local Authorities should lead to operational efficiencies that could lead to reduced costs.

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