EXPLANATORY MEMORANDUM TO

THE ENGLISH DEVOLUTION AND COMMUNITY EMPOWERMENT ACT 2026 (CONSEQUENTIAL AMENDMENTS AND REVOCATIONS) (ENGLAND) REGULATIONS 2026

2026 No. 519

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 Miatta Fahnbulleh MP, Minister for Devolution, Faith and Communities at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Andy Hollingsworth, Deputy Director for English Devolution Powers and Funding at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Anish Patel 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 These Regulations amend and revoke provisions in secondary legislation which apply to Combined Authorities ("CAs") and Combined County Authorities ("CCAs") in England. The amendments and revocations apply to provisions which duplicate or contradict provisions in the English Devolution and Community Empowerment Act 2026 ("the 2026 Act") on the functions and governance of CAs and CCAs.

4.2 The Regulations amend the Transport Levying Body Regulations 1992 ("the 1992 Regulations") as a result of the changes made to transport levies for CAs and CCAs by the 2026 Act.

Where does the legislation extend to, and apply?

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

4.4 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 The 2026 Act introduced a new category of public authority in England called 'Strategic Authorities'. This includes the Greater London Authority, CAs, CCAs, and any local authorities designated as a Strategic Authority. The 2026 Act also standardises the functions of Strategic Authorities; how they are exercised; and, in CAs and CCAs, how decisions are made. Each level of Strategic Authority has its own standard functions and governance arrangements – this is the "Devolution Framework". The Government has published 'Devolution Framework Explainers' which list each function and the relevant governance arrangements[1].

5.2 Before the 2026 Act, functions and governance arrangements for CAs and CCAs were generally negotiated individually and implemented in bespoke statutory instruments. This created inconsistencies in the responsibilities of different authorities and different decision-making thresholds for the same decisions in different parts of the country. This made it hard for the public to understand and scrutinise the work of these institutions and directly-elected mayors. In response, the Government committed to move from 'devolution-by-deal' to 'devolution-by-default'. The Devolution Framework will apply by default to CAs and CCAs established following the passing of the 2026 Act.

5.3 These Regulations implement the Devolution Framework for most CAs and CCAs that were established before the passing of the 2026 Act. They amend or revoke provisions on functions and governance arrangements in existing statutory instruments that govern CAs and CCAs where these duplicate or contradict the standardised provisions in the 2026 Act.

5.4 Some existing CAs and CCAs have been conferred functions which are not included in the Devolution Framework. Such functions will not typically be conferred on new CAs or CCAs, but they will be maintained where they have already been conferred. The only functions that are revoked in these Regulations are those that are conferred on Strategic Authorities by the 2026 Act. The Government published 'Area Factsheets' which set out the bespoke functions and governance arrangements that each CA and CCA will retain.[2] The Government retains the ability to amend the governance arrangements for existing, and any future functions, with local consent. For example, if in future a CA or CCA is set up in an area with an existing local authority bus company, relevant transport powers could be made concurrent between the CA or CCA and other local authorities in the area; This is possible via bespoke arrangements in their establishment statutory instrument, enabled by section 7 of the 2026 Act. This would ensure the continued operation of the local authority bus company.

5.5 The 2026 Act enables all CAs and CCAs to levy funding from their constituent councils to meet the Authority's transport costs. Such a levy must be issued in accordance with the 1992 Regulations. Part 18 of these Regulations amends the 1992 Regulations so they apply to all CAs and CCAs. The 1992 Regulations are also amended to make sure that apportionment arrangements are provided for all CAs and CCAs. These Regulations set out that a levy must be apportioned in a way agreed by the authority and council(s) concerned or, in the absence of agreement, by reference to the council tax base for the financial year in respect of which the levy is issued.

[1] https://www.gov.uk/government/publications/english-devolution-and-community-empowerment-bill-devolution-framework-explainers

[2] https://www.gov.uk/government/publications/english-devolution-area-factsheets

What was the previous policy, how is this different?

5.6 Before the passing of the 2026 Act, some of the functions of CAs and CCAs and how they were exercised were provided for in place-by-place statutory instruments. These instruments were agreed with the councils that would be constituent members of the new authority. As a result, there is significant variation between these different instruments, including in their provisions on functions and governance. The inconsistency made understanding and scrutinising the comparative successes and challenges of CAs and CCAs challenging for all stakeholders, including the public.

5.7 Under the Devolution Framework, most CA and CCA decisions are made by a simple majority of voting members, and functions are standardised. This clarity will improve accountability and scrutiny by all stakeholders.

6. Legislative and Legal Context

How has the law changed?

6.1 Where provisions in secondary legislation for existing CAs and CCAs duplicate provisions in the 2026 Act, these Regulations revoke the duplicative provision , so that the 2026 Act provisions apply instead. For example, the 2026 Act amended section 69 of the Local Democracy, Economic Development and Construction Act 2009 so that the duty to undertake a local assessment of economic conditions applies to CAs and CCAs. Provisions in existing statutory instruments which also confer this duty on the relevant authority are revoked to avoid duplication.

6.2 Similarly, where provisions in secondary legislation for existing CAs and CCAs contradict provisions in the 2026 Act, these Regulations revoke the contradictory provision, so that the 2026 Act provisions apply instead (subject to 6.4 below). For example, the 2026 Act amended the Housing Act 1985, inserting section 17A which requires Mayoral CAs and Mayoral CCAs to *consult* relevant local planning authorities before using their compulsory purchase powers under section 17. Many existing instruments contradict this provision, requiring the authorities to instead get the *consent* of relevant local planning authorities. These provisions are revoked, so that section 17A applies directly to the relevant authority.

6.3 Contradictory provisions that are revoked also include those relating to voting arrangements of the CA or CCA. The 2026 Act makes provision in section 6 for a standard voting arrangement for making decisions of a simple majority (which must include the mayor where one exists). The 2026 Act also provides different voting arrangements for certain decisions, such as for non-mayoral CAs and non-mayoral CCAs to agree the authority's budget. Therefore, these Regulations revoke provisions in secondary legislation which contradict such provisions in the 2026 Act, such as provisions which require a unanimous vote to adopt a Spatial Development Strategy.

6.4 Where provisions in secondary legislation for existing CAs and CCAs contradict provisions in the 2026 Act and are *not* revoked by these Regulations, the contradictory provisions continue to apply instead of the 2026 Act provisions (as per section 102 of the 2026 Act). For example, where permanently concurrent local transport powers are held between a CA or CCA and their constituent authorities, the permanent concurrency continues to apply to ensure the ongoing operation of local authority bus companies owned by one or more constituent authorities. The 2026 Act provisions, which do not provide for permanent concurrency arrangements, do *not* override the contradictory provisions which remain in secondary legislation for existing CAs and CCAs.

6.5 A small number of provisions in existing secondary legislation have been amended to reflect changes made by the 2026 Act. For example, existing legislation previously listed all the functions of the authority that were exercisable only by the mayor; but the 2026 Act confers additional mayoral functions. Therefore, these Regulations amend the relevant provisions to refer generally to "mayoral functions" as defined in amendments made by the 2026 Act, rather than listing such functions individually.

6.6 Changes are also made to the 1992 Regulations, which regulate the issuing of levies for transport costs by transport levying bodies. The amendments to these regulations ensure they apply to all CAs and CCAs, which are transport levying bodies under section 74 of the Local Government Finance Act 1988 ("the 1988 Act") as a result of the changes made by section 14 of the English Devolution and Community Empowerment Act 2026. Changes are also made to amend the definition of 'relevant expenditure' for CAs and CCAs in the 1992 Regulations to align with the 1988 Act and clarifies how apportionment of the transport levy applies for CAs and CCAs.

Why was this approach taken to change the law?

6.7 These changes were necessary to provide clarity on how functions must be exercised and how decisions should be made for all CAs and CCAs. These revocations and amendments were the only possible approach to make the necessary changes without affecting the ongoing operation of existing CAs and CCAs.

7. Consultation

7.1 The Government engaged with existing CAs and CCAs before and during the drafting of this instrument.

In 2025, the Government shared its analysis of functions which sat outside the proposed Devolution Framework. The Government also shared its analysis of the governance and decision-making arrangements which would conflict with the Devolution Framework. Several discussions were held between government officials and representatives of CAs and CCAs. This resulted in decisions to maintain certain bespoke provisions. These decisions were published alongside the introduction of the English Devolution and Community Empowerment Bill in 2025.[3]

7.2 The Government also engaged with CAs and CCAs on the draft statutory instrument in March 2026 to confirm that no unintended consequences would result from its coming into force. The Government was not made aware of any consequences that were not intended.

8. Applicable Guidance

8.1 This instrument does not require guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because a significant impact on the private, public or voluntary sector is not anticipated. A full Impact assessment has been prepared for the English Devolution and Community Empowerment Act 2026

[3] https://www.gov.uk/government/publications/english-devolution-area-factsheets

Impact on businesses, charities and voluntary bodies

9.2 There is no significant impact on business, charities or voluntary bodies because this instrument only affects the functions and governance of CAs and CCAs. Its impact does not extend beyond the public sector.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no significant impact on the public sector because this instrument is primarily intended to simplify existing legislation. However, the instrument should bring clarity and standardisation to decision-making processes across CAs and CCAs which could reduce the time spent by officials determining appropriate governance and decision-making arrangements. It could also support greater peer support across authorities where this is currently not possible due to the significant differences. This impact is expected to be negligible.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is by regular engagement with CAs and CCAs. The Ministry of Housing, Communities and Local Government will continuously monitor the impact of these changes, with particular focus on governance and decision-making in existing CAs and CCAs. This will inform future policy decisions on the governance and decision-making framework for these authorities.

10.2 The impact of this legislation will be kept under review by the Department. As the instrument does not regulate business or voluntary bodies, no statutory review clause is included, but the Department will monitor the practical effects as part of its ongoing engagement with the affected authorities.

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.