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STATUTORY INSTRUMENTS

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**2017 No. 126**

**The West of England Combined Authority Order 2017**

**PART 8**

**Additional functions**

**General power of competence**

**24.** Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) has effect in relation to the Combined Authority as it has effect in relation to a local authority<sup>(1)</sup>.

**Economic development and regeneration functions**

**25.—(1)** The functions of the constituent councils set out in Schedule 5 are exercisable by the Combined Authority in relation to the Area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

**Incidental provisions**

**26.** The following provisions have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 113 of the Local Government Act 1972 (power to place staff at the disposal of other local authorities)<sup>(2)</sup>;
- (b) section 142(2) of the Local Government Act 1972 (power to arrange for publication of information etc relating to the functions of the authority)<sup>(3)</sup>; and
- (c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)<sup>(4)</sup>.

**27.—(1)** The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)<sup>(5)</sup> whether or not a scheme is made under that section.

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- (1) Section 113D of the 2009 Act as inserted by section 10 of the 2016 Act enables the Secretary of State by order to confer the general power of competence, found in Chapter 1 of Part 1 of the 2011 Act, on a combined authority.
  - (2) 1972 c. 70. Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.
  - (3) Section 142 was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.
  - (4) To which there are amendments not relevant to this instrument.
  - (5) 1985 c. 51.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the Area.

**28.** Section 13 of the 1989 Act (voting rights of members of certain committees)(6) has effect in relation to the Combined Authority as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(i) subject to subsection (4A), a committee appointed by the West of England Combined Authority.”; and

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the West of England Combined Authority Order 2017.”.

**29.** In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013(7) in the table insert at the end—

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“An employee of the West of England Bath and North East Somerset Council”  
Combined Authority established by the West of  
England Combined Authority Order 2017

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(6) Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994; by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158.

(7) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.