STATUTORY INSTRUMENTS

2017 No. 430

The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017

PART 5

Transport

Power to pay grant

14.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraphs (1) and (2), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined Authority;

(ii) the reference to a local authority in England were a reference to a constituent council;

(b) subsection (2) were omitted;

(c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;

(d) subsection (6) were omitted.

(7) In this article "highway functions" means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

Agreements between authorities and strategic highways companies

15.—(1) The functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise

of functions with respect to trunk roads etc)(**1**) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**2**) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article—

(a) "the 1980 Act" means the Highways Act 1980(**3**);

(b) "local highway authority" has the meaning given by section 329(1) of the 1980 Act.

Road safety

16.—(1) The functions of the constituent councils specified in section 39(2) and (3) of the 1988 Act (duties of local authorities to prepare and carry out a programme of measures designed to promote road safety, and carry out studies into accidents arising out of the use of vehicles on certain roads within their areas)(**4**) are exercisable by the Combined Authority in relation to the Area.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

Traffic regulation

17.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

(a) section 1 (traffic regulation orders outside Greater London)(**5**);

(b) section 2(4) (what a traffic regulation order may provide)(**6**); and

(c) section 9 (experimental traffic schemes)(**7**).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.

(**1**) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1to, the Infrastructure Act 2015, and S.I. 1995/1986.

(**2**) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1to, the Infrastructure Act 2015.

(**3**) 1980 c. 66.

(**4**) 1988 c. 52. Section 39 was amended by section 168 of, and paragraph 121(3) of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and by section 279 of the 1999 Act.

(**5**) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(**6**) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(**7**) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.

(6) In this article "local traffic authority" has the meaning given by section 121A(**8**) of the 1984 Act.

(**8**) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.