

Draft Order laid before Parliament under section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. ****

**LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND**

The Greater Manchester Combined Authority Order 2011

Made - - - - *****
Coming into force - - *1st April 2011*

This Order is made in exercise of the powers conferred by sections 91 and 93 of the Local Transport Act 2008(1) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(2).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve—

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted—

- (a) the district councils for the area comprised in the Greater Manchester integrated transport area,
- (b) the Greater Manchester Integrated Transport Authority,
- (c) the Greater Manchester Passenger Transport Executive,
- (d) such other persons as the Secretary of State considered appropriate.

The councils for the metropolitan districts whose areas are comprised in the Greater Manchester integrated transport area have consented to the making of this Order.

(1) 2008 c.26.
(2) 2009 c.20.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1. This Order may be cited as the Greater Manchester Combined Authority Order 2011 and shall come into force on 1st April 2011.

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined area” means the area consisting of the areas of the constituent councils;

“constituent councils” means the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan;

“the Executive” has the meaning given by article 9(1);

“financial year” means the period of 12 months ending with 31st March in any year;

“the GMCA” has the meaning given by article 3(2); and

“the ITA” means the Greater Manchester Integrated Transport Authority⁽³⁾.

PART 2

Establishment of a Combined Authority for Greater Manchester

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority (“the GMCA”).

(3) The functions of the GMCA are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by this Order or any other enactment (whenever passed or made).

(3) This body was established as the Greater Manchester Passenger Transport Authority by section 28(1) of the Local Government Act 1985 (c. 51). It was renamed by virtue of the Local Transport Act 2008, section 77(2) and paragraph 53 of Schedule 4 to that Act.

Constitution

4. Schedule 1 (which makes provision about the constitution of the GMCA) has effect.

Funding

5.—(1) The constituent councils must meet the costs of the GMCA reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the GMCA referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years previously.

PART 3

Transport

Abolition and transfer of functions

6.—(1) The Greater Manchester integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

- (a) its functions; and
- (b) its property, rights and liabilities

are transferred to the GMCA.

Adaptation of enactments

7.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the GMCA.

(4) Schedule 2 (which amends section 9 of the Transport Act 1968 in consequence of article 6) has effect, but this does not affect the generality of paragraphs (2) and (3).

Delegation of certain transport functions

8.—(1) There are delegated to the GMCA the functions of the constituent councils—

- (a) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984(4) so far as it relates to traffic signs that are traffic light signals;
- (b) under section 23 of that Act (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997(5); and
- (c) under section 2 of the Road Traffic Reduction Act 1997(6) (duty of principal councils to make reports).

(2) In consequence of subparagraphs (a) and (b) of paragraph (1) the GMCA, in the discharge of the functions delegated to it by those provisions, is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(7).

(3) In this article “traffic light signal” means a traffic sign of the size, colour and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002(8) or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.

(4) The costs incurred by the GMCA in discharging the functions delegated to it by this article shall, except so far as the constituent councils agree otherwise, be defrayed by the GMCA.

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988(9), fall to be treated as expenses attributable to the exercise of the GMCA’s functions relating to transport.

(6) The functions delegated by paragraph (1) are not exercisable by the constituent councils either concurrently or instead of the GMCA, except so far as the GMCA sub-delegates any such function back to a constituent council.

(7) In the application of section 101 of the Local Government Act 1972(10) (arrangements for the discharge of functions) to the GMCA the functions delegated to the GMCA by paragraph (1) are to be treated as if they were functions of the GMCA.

Passenger Transport Executive

9.—(1) In this article “the Executive” means the Greater Manchester Passenger Transport Executive established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969(11).

(2) The Executive is to be an executive body of the GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act and is to be known as “Transport for Greater Manchester”.

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- (4) 1984 c. 27. Section 65 was amended by the Local Government and Housing Act 1989 (c. 42) section 153, by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 48 and by the Road Traffic Act 1991 (c. 40) Schedule 4, paragraph 29.
 - (5) Part I of S.I. 1997/2400, to which there are amendments not relevant to this Order.
 - (6) 1997 c. 54.
 - (7) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.
 - (8) Part 1 of S.I. 2002/3113, to which there are amendments not relevant to this Order.
 - (9) 1988 c. 41; subsection (10) of section 74 was inserted by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraph 75.
 - (10) 1972 c. 70; section 101 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Schedule 10; the Local Government Act 1985 (c. 51) Schedule 14, paragraph 15, Schedule 17; the Statute Law (Repeals) Act 1986 (c. 12); the Local Government and Housing Act 1989 (c. 42) Schedule 12; the Education Act 1993 (c. 35) Schedules 19 and 21; the Local Government (Wales) Act 1994 (c. 19) Schedule 15, paragraph 26; the Police and Magistrates’ Courts Act 1994 (c. 29) Schedule 9; the Environment Act 1995 (c. 25) Schedule 24; the Greater London Authority Act 1999 (c. 29) section 332(1); the Licensing Act 2003 (c. 17) Schedule 6, paragraphs 56, 58; the Children Act 2004 (c. 31) Schedule 5; the Local Government and Public Health Involvement Act 2007 (c. 28), Schedule 13, paragraphs 1, 9; the Planning Act 2008 (c. 29) section 224(1); the Local Democracy, Economic Development and Construction Act 2009 (c. 20) Schedule 6, paragraphs 6, 10; the Marine and Coastal Access Act 2009 (c. 23) Schedule 22, Part 4; and by S.I. 2001/1517, 2002/803.
 - (11) S.I. 1969/95, amended by S.I. 1973/1727.

(3) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the GMCA the Executive is to be treated as if it were an officer of the GMCA.

(4) Where arrangements are in force for the discharge of functions of a constituent council by the GMCA by virtue of—

(a) section 101(1)(b) of the Local Government Act 1972; or

(b) section 19 of the Local Government Act 2000(12) and regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000(13),

the Executive is to be treated as if it were an officer of the GMCA for the purposes of section 101 of the Act of 1972 and for the purposes of those Regulations.

(5) The Executive has power to discharge any function which is the subject of arrangements entered into with it by virtue of paragraph (3) or (4).

PART 4

Additional Functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 to this Order are exercisable by the GMCA in relation to its 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 GMCA.

Incidental provisions

11. The following provisions shall have effect as if the GMCA were a local authority for the purposes of these provisions—

(a) section 142(2) of the Local Government Act 1972(14) (the power to arrange for publication of information etc. relating to the functions of the authority); and

(b) section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).

12.—(1) The GMCA shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(15) (research and collection of information) whether or not a scheme is made under that section.

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

13. Section 13 of the Local Government and Housing Act 1989(16) shall have effect as if—

(12) 2000 c. 22.

(13) S.I. 2000/2851.

(14) 1972 c.70. Section 142(2) was amended by the Local Government Act 1986 (c.10), section 3(1).

(15) 1985 c.51, to which there are amendments not relevant to this Order.

(16) 1989 c. 42. Section 13 was amended by the Education Act 1993 (c.35), section 307(1), (3), Schedule 19, paragraph 156(a), (c), (d), Schedule 21, Part 2; the Children Act 2004 (c.31), section 64, Schedule 5, Part 4; the Police and Magistrates' Courts Act 1994 (c.29), section 43, Schedule 4, Part 1, paragraph 36(a), (b), section 93, Schedule 9, Part 1; the Marine and Coastal Access Act 2009 (c.23), section 184, Schedule 14, paragraphs 12, 14, section 321, Schedule 22, Part 4; the Environment Act

- (a) in subsection (4), after paragraph (e) there were inserted—
- “(ea) subject to subsection (4A), a committee appointed by the Greater Manchester Combined Authority;”; and
- (b) after subsection (4) there were inserted—
- “(4A) A person who is a member of a committee falling within paragraph (ea) 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 he is a member of one of the constituent councils as defined by article 2 of the Greater Manchester Combined Authority Order 2011.”.

14. The Apprenticeships, Skills, Children and Learning Act 2009(17) shall have effect as if the GMCA were a local authority for the purposes of section 61(1)(c) and section 84(2).

PART 5

Supplementary

Transfer of the Commission for the New Economy etc

15.—(1) The GMCA is to become a member of the Commission for the New Economy Limited and Manchester Investment and Development Agency Service Limited, companies limited by guarantee and registered in England with company numbers 05678007 and 3323710.

(2) The constituent councils are to cease to be members of those companies.

Scheme for transfer of property etc.

16.—(1) Each constituent council must make a scheme for the transfer of its property, rights and liabilities to the GMCA or to the Executive, or to the GMCA and the Executive, as soon as reasonably practicable.

(2) The property, rights and liabilities that are to be the subject of the scheme are those relating to the transport functions of each constituent council delegated to the GMCA by article 8 of this Order.

(3) Any transfers by the scheme are to take effect on such date as may be specified in the scheme.

(4) The requirement in paragraph (1) may be fulfilled by a scheme or schemes made jointly by two or more of the constituent councils.

Continuity

17.—(1) None of the following, that is to say—

- (a) anything in article 6 or 7;
- (b) the transfer or delegation, by this Order or a scheme made under it, of the functions, property, rights or liabilities of the ITA or of a constituent council to the GMCA or the Executive,

affects the validity of anything done by or in relation to the ITA or the constituent council before the date on which the transfer or delegation takes effect.

1995 (c.25), section 120, Schedule 24; the Education Act 1996 (c.56), section 582(1), (2), Schedule 37, paragraph 96(1), (2), (3), (4), (5), Schedule 38, Part 1; S.I. 2010/1158, article 5(1), (2), Schedule 2, Part 2, paragraph 38(1), (3), (4)(a), (b), (c), (5) (a), (b), Schedule 3, Part 2; the School Standards and Framework Act 1998 (c.31), section 140(1), Schedule 30, paragraph 22(a), (b); S.I. 2001/1517, articles 2, 6(1)(a), (b); the Local Democracy, Economic Development and Construction Act 2009 (c.20), section 119, Schedule 6, paragraphs 81(1), (3).

(17) 2009 c. 22. Sections 61(1)(c) and 84(2) were amended by S.I. 2010/1158, article 5(1), Schedule 2, Part 1, paragraph 16(1), (3).

(2) There may be continued by or in relation to the GMCA or the Executive anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred or delegated; and
- (b) is in process of being done by or in relation to the ITA or constituent council immediately before the transfer or delegation takes effect.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or constituent council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred or delegated; and
- (b) is in effect immediately before the transfer or delegation takes effect,

has effect as if made or done by or in relation to the GMCA or the Executive.

(4) The GMCA or the Executive shall be substituted for the ITA or the constituent councils in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred or delegated; and
- (b) are made or commenced before the transfer or delegation takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or a constituent council includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA or constituent council.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988(18) and in accordance with the Transport Levying Bodies Regulations 1992(19) to the constituent councils in respect of the financial year beginning 1st April 2011 is to have effect for that year as if it had been so issued by the GMCA.

Signed on behalf of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State
Department for Communities and Local
Government

Date

(18) 1988 c. 41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72, the Greater London Authority Act 1999 (c. 29), section 105(2), the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a), the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68(2), the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1, paragraph 16, the Local Democracy, Economic Development and Construction Act 2009, Schedule 6, paragraph 75 and by S.I. 1994/2825,

(19) S.I. 1992/2789.

SCHEDULES

SCHEDULE 1

Article 4

Constitution

Membership

1.—(1) Each constituent council is to appoint one of its elected members to be a member of the GMCA.

(2) Each constituent council is to appoint another of its elected members to act as a member of the GMCA in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(3) A person ceases to be a member or substitute member of the GMCA if they cease to be a member of the constituent council that appointed them.

(4) A person may resign as a member or substitute member of the GMCA by written notice served on the proper officer of the constituent council that appointed them and the resignation shall take effect on receipt of the notice by the proper officer.

(5) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (3) or (4) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the GMCA and appoint another of its elected members in that person’s place.

(6) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the GMCA and appoint another of its elected members in that person’s place.

(7) Where a constituent council exercises its power under sub-paragraph (6), it must give written notice of the new appointment and the termination of the previous appointment to the GMCA and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(8) For the purposes of this paragraph, an elected mayor of a constituent council is to be treated as a member of the constituent council.

Chair and vice-chair(s)

2.—(1) The GMCA—

- (a) must in each year appoint a chair; and
- (b) may appoint one or more vice-chairs

from among its members and the appointments are to be the first business transacted at the annual meeting of the GMCA.

(2) A person ceases to be chair or vice-chair of the GMCA if they cease to be a member of the GMCA.

(3) If a vacancy arises in the office of chair or vice chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the GMCA, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

Proceedings

3.—(1) Subject to sub-paragraphs (3) and (4), any questions that are to be decided by the GMCA are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the GMCA.

(2) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(3) Questions relating to the following matters require at least 7 votes in favour to be carried—

(a) the adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a plan or strategy of the following descriptions—

(i) a sustainable community strategy under section 4 of the Local Government Act 2000⁽²⁰⁾,

(ii) a local transport plan under section 108(3) of the Transport Act 2000⁽²¹⁾,

(iii) such other plans and strategies as may be determined by the GMCA and set out in its standing orders;

(b) the preparation of a local economic assessment under section 69 of the 2009 Act;

(c) the submission of a request under section 124 of the 2009 Act, a multi-area agreement under section 125 or 128 of that Act, or a revision proposal under section 132 of that Act;

(d) the approval of the budget of the GMCA;

(e) the approval of borrowing limits, the treasury management strategy and the investment strategy;

(f) the setting of a transport levy;

(g) the acceptance of arrangements to delegate the functions of any person to the GMCA;

(h) the amendment of the standing orders of the GMCA.

(4) Questions relating to road user charging require 10 votes in favour to be carried.

(5) The proceedings of the GMCA are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

Records

4.—(1) The GMCA must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the GMCA, or any committee or sub-committee of the GMCA are to be kept in such form as the GMCA may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the GMCA by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the GMCA a minute of whose proceedings has been signed in accordance with this paragraph is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

⁽²⁰⁾ 2000 c. 26.

⁽²¹⁾ 2000 c. 38. Section 108(3) was amended by section 9(1) of the Local Transport Act 2008. A combined authority is a local transport authority for the purposes of section 108(3) by virtue of section 108(4)(ca), inserted by paragraphs 95 and 96 of schedule 6 to the 2009 Act.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the GMCA provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

Standing Orders

5. The GMCA may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Remuneration

1.—(1) No remuneration is to be payable by the GMCA to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the GMCA.

(2) A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the GMCA in respect of duties and responsibilities undertaken as a member of the GMCA.

SCHEDULE 2

Article 7

Amendment of Section 9 of the Transport Act 1968

1. Section 9 of the Transport Act 1968(22) is amended as follows.
2. In subsection (1)(a)—
 - (a) in subparagraph (i) after “metropolitan counties” there is inserted “except Greater Manchester”;
 - (b) the word “and” after subparagraph (i) is omitted; and
 - (c) after subparagraph (i) there is inserted—
 - “(ia) the metropolitan county of Greater Manchester shall be the area of a combined authority; and”
3. In subsection (1)(b)—
 - (a) the word “and” after subparagraph (i) is omitted; and
 - (b) after subparagraph (i) there is inserted—
 - “(ia) in relation to the metropolitan county of Greater Manchester, the Greater Manchester Combined Authority; and”.
4. In subsections (2) and (3) after “integrated transport area” there is in each case inserted “, the area of the Greater Manchester Combined Authority”.
5. In subsection (5) after “integrated transport area” there is inserted “or the area of the Greater Manchester Combined Authority”.
6. After subsection (5) there is inserted—
 - “(5A) In this section “the Greater Manchester Combined Authority” means the body of that name constituted by the Greater Manchester Combined Authority Order 2011.”

(22) 1968 c. 73; section 9 was amended by the Local Government (Scotland) Act 1973 (c. 65) Schedule 18, paragraph 1; by the Transport Act 1985 (c. 67) sections 57(1), 58(2), Schedule 3, paragraph 3, Schedule 8; by the Local Government (Scotland) Act 1994 (c. 39) Schedule 13, paragraph 80(2); and in relation to England and Wales only by the Local Transport Act 2008 (c. 26) section 98(4), Schedule 4, paragraph 2 and Schedule 7, Part 4.

SCHEDULE 3

Article 10

Economic development and regeneration functions

1. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).
2. The duty under section 8(1) Housing Act 1985⁽²³⁾ (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).
3. The duties under section 82 of the Environment Act 1995⁽²⁴⁾ (duty to cause a review to be conducted of quality for the time being, and the likely future quality within the relevant period, of air within the authority's area and associated duties).
4. The duty under section 83 of the Environment Act 1995 (duty to designate air quality management areas).
5. The duties under section 84 of the Environment Act 1995 (duties in relation to designated area).
6. The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996 and the power under sections 514A and 560A of that Act⁽²⁵⁾ (duties and powers related to the provision of education and training for persons over compulsory school age).
7. The power under section 2 of the Local Government Act 2000⁽²⁶⁾ (promotion of well-being).
8. The duty under section 4(1) of the Local Government Act 2000 (duty to prepare a strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom) and the power under section 4(2) of the Local Government Act 2000 (power to modify their sustainable communities strategy).
9. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

EXPLANATORY NOTE

(This note is not part of the Order)

This order establishes the Greater Manchester Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise functions relating to transport and to economic development and regeneration in their area.

(23) 1985 c. 68. Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), Part 16 of Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65) and Schedule 17 to the Local Government Act 1985.

(24) 1995 c. 25.

(25) 1996 c. 56. Sections 15ZA, 15ZB, 15ZC were inserted by section 41 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 17A and 18A(1)(b) by section 45 of that Act (not yet commenced), section 514A by section 46 of that Act and section 560A by section 47 of that Act.

(26) 2000 c.22, to which there are amendments not relevant to this Order.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This order has been made following the publication of such a scheme on 29th March 2010 by the 10 metropolitan district councils (the constituent councils) whose areas together make up the combined area of the new authority. The scheme is available at www.agma.gov.uk.

Part 2 of the Order establishes the new authority, to be known as the Greater Manchester Combined Authority (“the GMCA”) on 1st April 2011, and makes provision for its constitution and funding.

Article 4 of and *Schedule 1* to the Order make provision for the constitution of the GMCA. This is supplemental to the provision that is made by Part I of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 makes provision for the funding, by the constituent councils, of those costs of the GMCA that relate to the exercise of its economic development and regeneration functions.

Part 3 is about the transport aspects of the combined authority. *Article 6* dissolves the Greater Manchester Integrated Transport Area (formerly the Greater Manchester Passenger Transport Area) and abolishes the Greater Manchester Integrated Transport Authority (formerly the Greater Manchester Passenger Transport Authority) and transfers its functions and property, rights and liabilities to the Combined Authority. *Article 7* makes general adaptations to primary and subordinate legislation, so as that references to an integrated transport authority or area are to be treated as extending to the Combined Authority and its area, and introduces Schedule 2 which makes specific amendments to section 9 of the Transport Act 1968.

Article 8 delegates certain transport functions (in particular those relating to the placing of traffic light signals) of the constituent councils to the Combined Authority and provision is made for defraying the cost of discharging those functions. It is further provided that the delegated functions are not exercisable by the constituent councils either concurrently or in place of the GMCA and are to be treated as functions of the GMCA for the purposes of section 101 of the Local Government Act 1972. *Article 9* makes the Greater Manchester Passenger Transport Executive an executive body of the Combined Authority and changes its name to “Transport for Greater Manchester”. Section 101 of the Local Government Act 1972 is modified in its application to the Combined Authority so as to enable it (and a joint committee of local authorities of which the Combined Authority is a constituent authority) to arrange for the discharge of functions by Transport for Greater Manchester. Section 101 of that Act and section 19 of the Local Government Act 2000 (and regulations made under it) are also applied with modifications so as to enable the GMCA to sub-delegate to Transport for Greater Manchester any other functions delegated to the GMCA by the constituent councils.

Part 4 confers additional functions on the GMCA. *Article 10* confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 3 to the Order and are to be exercised concurrently with the constituent councils. *Articles 11 to 14* make some general, incidental provisions relating to the GMCA to enable it to carry out its functions more effectively.

Part 5 makes supplementary provision. *Article 15* transfers the Commission for the New Economy and Manchester Investment and Development Agency Service Limited, companies owned by the constituent councils, to the GMCA. *Article 16* provides for the constituent councils to transfer other property, rights and liabilities via a scheme to be made under this Order. *Article 17* ensures continuity when functions, property, rights or liabilities are transferred by the Order or a scheme made under it.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.