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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The Cambridgeshire and Peterborough  
Combined Authority Order 2017**

**PART 4**

**Additional functions**

**Economic development and regeneration functions**

**10.** The functions of the constituent councils specified in the following provisions are exercisable by the Combined Authority in relation to the Area—

- (a) section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)(1); and
- (b) sections 15ZA, 15ZB, 15ZC, 17, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(2).

**General power of competence**

**11.** Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) is to have effect in relation to the Combined Authority as it has effect in relation to a local authority(3).

**General functions of the Combined Authority exercisable only by the Mayor**

**12.—(1)** The function of the Combined Authority corresponding to the function in section 31 of the 2003 Act (power to pay grant) is a general function exercisable only by the Mayor(4).

(2) For the purposes of the exercise of the general function mentioned in paragraph (1)—

- (a) the Mayor must consult the Combined Authority before exercising the function; and
- (b) members and officers may assist the Mayor in the exercise of the function.

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- (1) Section 144 was amended by section 81 of and Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by sections 1 and 102 of and Schedule 17 to the Local Government Act 1985. There are other amendments which are not relevant to this instrument.
- (2) 1996 c. 56. Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 45 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and by S.I. 2010/1158. Section 15ZA was amended by paragraph 5 of Schedule 3(1) to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by S.I. 2015/1852. Section 15ZC was amended by S.I. 2015/1852. Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3(1) to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3(1) to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3(1) to the Children and Families Act 2014.
- (3) 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.
- (4) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to “general functions”, in relation to a Mayor for the area of a combined authority, are to any functions exercisable by the Mayor other than police and crime commissioner functions.

(3) Subject to paragraphs (4) and (5), the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act (general powers of authorities).

(4) Any exercise by the Mayor of the general power conferred by paragraph (3) which involves the transfer of property, rights and liabilities of the Combined Authority to or from any of the constituent authorities requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the general power conferred by paragraph (3) which involves the preparation and publication of a document including a statement formulating the Mayor’s strategy for spatial development in the Area requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(6) For the purpose of paragraphs (4) and (5), the consent must be given at a meeting of the Combined Authority.

### Incidental provisions

**13.** The following provisions have effect in relation to the Combined Authority as if it were a local authority—

- (a) section 113 of the Local Government Act 1972 (power to place staff at the disposal of other local authorities)(5);
- (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)(6); and
- (c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(7).

**14.—**(1) The Combined Authority shall have the power to exercise any of the functions described in section 88(1)(a) and (b) of the Local Government Act 1985 (research and collection of information)(8) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1), 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.

**15.** Section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees)(9) has effect in relation to the Combined Authority as if—

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

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- (5) 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.
  - (6) 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.
  - (7) To which there are amendments not relevant to this instrument.
  - (8) 1985 c. 51.
  - (9) 1989 c. 42. 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 (c. 29); 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.

“(i) subject to subsection (4A), a committee appointed by the Cambridgeshire and Peterborough 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 Cambridgeshire and Peterborough Combined Authority Order 2017.”

**16.** In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013<sup>(10)</sup>, at the end of the table insert—

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“An employee of the Cambridgeshire and Cambridgeshire County Council.”  
Peterborough Combined Authority established  
by the Cambridgeshire and Peterborough  
Combined Authority Order 2017

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<sup>(10)</sup> S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of S.I. 2015/755.