



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Combined authorities and their areas

103 Combined authorities and their areas

- (1) The Secretary of State may by order establish as a body corporate a combined authority for an area that meets the following conditions.
- (2) Condition A is that the area consists of the whole of two or more local government areas in England.
- (3) Condition B is that no part of the area is separated from the rest of it by one or more local government areas that are not within the area.
- (4) Condition C is that there is no local government area that is surrounded by local government areas that are within the area but that is not itself within the area.
- (5) Condition D is that no part of the area forms part of—
 - (a) the area of another combined authority,
 - (b) the area of an EPB, or
 - (c) an integrated transport area.
- (6) Condition E is that each local government area that forms part of the area was included in a scheme prepared and published under section 109.
- (7) An order under this section must specify the name by which the combined authority is to be known.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Democracy, Economic Development and Construction Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Modifications etc. (not altering text)

- C1** S. 103 power to transfer functions conferred by 2008 c. 26, s. 89A (as inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 127](#); [S.I. 2009/3318](#), art. 2(c))

Commencement Information

- II** S. 103 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

104 Constitution and functions: transport

- (1) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an Integrated Transport Authority (an “ITA”) under the following provisions of the Local Transport Act 2008 (c. 26)—
 - (a) section 84 (constitutional arrangements);
 - (b) section 86 (delegation of functions of the Secretary of State);
 - (c) section 87 (delegation of local authority functions);
 - (d) section 88 (conferral of a power to direct).
- (2) Section 85 of that Act (provision about membership of an ITA) applies to—
 - (a) an order under subsection (1)(a) of this section, and
 - (b) the combined authority to whom that order applies,
 as it applies to an order under section 84 of that Act and the ITA to whom that order applies.
- (3) The following provisions of that Act apply in relation to a combined authority on whom functions of a kind described in section 88 of that Act are conferred as they apply in relation to an ITA on whom such functions are conferred—
 - (a) section 88(10) (provisions about directions);
 - (b) section 89(2) and (3) (power to remedy contravention of direction).
- (4) Section 97 of that Act (change of name of ITA) applies to a combined authority as it applies to an ITA.
- (5) The Secretary of State may by order transfer functions of an ITA to a combined authority.
- (6) An order under subsection (5) may only be made in relation to functions exercisable by the ITA in relation to an area that becomes, or becomes part of, the combined authority's area by virtue of an order under this Part.
- (7) The Secretary of State may by order provide for any function that is conferred or imposed on a Passenger Transport Executive by any enactment (whenever passed or made) to be exercisable by a combined authority or the executive body of a combined authority in relation to the combined authority's area.
- (8) An order under subsection (7) may make provision for any function that—
 - (a) is conferred or imposed on an ITA by any enactment (whenever passed or made), and
 - (b) relates to the functions of a Passenger Transport Executive,
 to be exercisable by a combined authority in relation to the combined authority's area.

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Annotations:

Commencement Information

I2 S. 104 in force at 17.12.2009 by S.I. 2009/3318, art. 2(a)

105 Constitution and functions: economic development and regeneration

- (1) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an EPB under section 91 (exercise of local authority functions).
- (2) Subsection (5) of section 91 (duty to perform functions with a view to promoting economic development and regeneration) applies to the exercise of functions by a combined authority by virtue of subsection (1) of this section as it applies to the exercise of functions by an EPB by virtue of that section.
- (3) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an EPB under section 92 (funding).
- (4) An order under subsection (3) may make such provision only in relation to the costs of a combined authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration.

Annotations:

Commencement Information

I3 S. 105 in force at 17.12.2009 by S.I. 2009/3318, art. 2(a)

106 Changes to boundaries of a combined authority's area

- (1) The Secretary of State may by order change the boundaries of a combined authority's area by—
 - (a) adding a local government area to an existing area of a combined authority, or
 - (b) removing a local government area from an existing area of a combined authority.
- (2) An order may be made under this section only if—
 - (a) the area to be created by the order meets conditions A to D in section 103, and
 - (b) each council to whom this subsection applies consents to the making of the order.
- (3) Subsection (2) applies to—
 - (a) a county council whose area, or part of whose area, is to be added to or removed from the existing area of the combined authority;
 - (b) a district council whose area is to be added to or removed from the existing area of the combined authority.
- (4) Where by virtue of an order an area ceases to be part of the area of a combined authority, the order—

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- (a) must make provision for designating an authority to be a local transport authority for the area for the purposes of section 108(4) of the Transport Act 2000 (c. 38), and
 - (b) may transfer functions to that authority from the combined authority that was formerly the local transport authority.
- (5) Provision made by virtue of subsection (4) may designate different authorities for different parts of the area.
- (6) The reference in subsection (4)(a) to an authority does not include an ITA.
- (7) Subsection (4) does not apply if the area becomes part of the integrated transport area of an ITA by virtue of an order under section 78 or 90 of the Local Transport Act 2008 (c. 26).

Annotations:

Commencement Information

I4 S. 106 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

107 Dissolution of a combined authority's area

- (1) The Secretary of State may by order—
- (a) dissolve a combined authority's area, and
 - (b) abolish the combined authority for that area.
- (2) An order may be made under this section only if a majority of the councils to whom this subsection applies consent to the making of the order.
- (3) Subsection (2) applies to—
- (a) a county council whose area, or part of whose area, is within the combined authority's area;
 - (b) a unitary district council whose area is within the combined authority's area.
- (4) The order—
- (a) must make provision for designating an authority to be a local transport authority for the area that was previously the combined authority's area for the purposes of section 108(4) of the Transport Act 2000 (c. 38), and
 - (b) may transfer functions to that authority from the combined authority that was formerly the local transport authority.
- (5) Provision made by virtue of subsection (4) may designate different authorities for different parts of the area.
- (6) The reference in subsection (4)(a) to an authority does not include an ITA.
- (7) Subsection (4) does not apply to a territory or part of a territory that becomes the integrated transport area or part of the integrated transport area of an ITA by virtue of an order under section 78 or 90 of the Local Transport Act 2008.

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Annotations:

Commencement Information

I5 S. 107 in force at 17.12.2009 by S.I. 2009/3318, **art. 2(a)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 105 heading substituted by 2016 c. 1 s. 6(2)(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(6)-(10) inserted by 2016 c. 1 s. 9(4)
- s. 91(4)(c)(d) inserted by 2016 c. 1 Sch. 5 para. 18(3)(b)
- s. 99(3A)(3B) inserted by 2016 c. 1 s. 11(5)
- s. 101A inserted by 2016 c. 1 s. 13(4)
- s. 102(2A)(2B) inserted by 2016 c. 1 s. 11(6)
- s. 104(2A)-(2D) inserted by 2016 c. 1 Sch. 5 para. 19
- s. 104(9) inserted by 2016 c. 1 s. 8(1)
- s. 104(10)-(12) inserted by 2016 c. 1 s. 14(3)
- s. 105(3A)(3B) inserted by 2016 c. 1 s. 14(4)
- s. 105A 105B inserted by 2016 c. 1 s. 7
- s. 105A modified by 2016 c. 1 s. 18
- s. 106(3A)-(3D) inserted by 2016 c. 1 s. 14(5)(c)
- s. 106A inserted by 2016 c. 1 s. 14(6)
- s. 107(2)(b) inserted by 2016 c. 1 Sch. 5 para. 21(2)(b)
- s. 107(4A) inserted by 2016 c. 1 Sch. 5 para. 21(3)
- s. 107A 107B and cross-heading inserted by 2016 c. 1 s. 2(1)
- s. 107C inserted by 2016 c. 1 s. 3
- s. 107D-107F inserted by 2016 c. 1 s. 4(1)
- s. 107D(3) applied (with modifications) by S.I. 2017/469 art. 5(2)
- s. 107D(6)(b) words inserted by 2017 c. 3 s. 8(3)
- s. 107G inserted by 2016 c. 1 s. 5(3)
- s. 107EA-107EG inserted by 2017 c. 3 s. 8(2)
- s. 107EE(5)(b) words substituted by 2017 c. 3 Sch. 9 para. 70
- s. 110(3A)(3B) inserted by 2016 c. 1 s. 12(5)
- s. 113(2A)(2B) inserted by 2016 c. 1 s. 12(6)
- s. 113(4) inserted by 2016 c. 1 Sch. 5 para. 24
- s. 113A(4) inserted by 2016 c. 1 Sch. 5 para. 25
- s. 113D inserted by 2016 c. 1 s. 10
- s. 114(1A) inserted by 2016 c. 1 Sch. 5 para. 26(2)
- s. 114(1A) words substituted by S.I. 2016/997 Sch. 2 para. 22(a)
- s. 116(1A) inserted by 2016 c. 1 Sch. 5 para. 28
- s. 116(1A) words substituted by S.I. 2016/997 Sch. 2 para. 22(b)
- s. 117(1A) inserted by 2016 c. 1 Sch. 5 para. 29(2)
- s. 117(5) inserted by 2016 c. 1 Sch. 5 para. 29(3)
- Sch. 1 para. 12(1A) inserted by 2015 c. 20 s. 95(5)
- Sch. 1 para. 5(3)-(6) substituted for Sch. 1 para. 5(3) by 2015 c. 20 s. 95(2)
- Sch. 5A inserted by 2016 c. 1 Sch. 3
- Sch. 5B para. 9(1)(a) applied (with modifications) by S.I. 2017/470 Sch. 1 para. 16(2)
- Sch. 5B para. 3 functions transferred by S.I. 2016/997 art. 3(1) Sch. 1(p)
- Sch. 5B para. 12 functions transferred by S.I. 2016/997 art. 3(1) Sch. 1(p)
- Sch. 5B inserted by 2016 c. 1 Sch. 1
- Sch. 5B para. 3 words substituted by S.I. 2016/997 Sch. 2 para. 22(c)
- Sch. 5B para. 12(1) words substituted by S.I. 2016/997 Sch. 2 para. 22(c)

- Sch. 5B para. 12(4) words substituted by [S.I. 2016/997 Sch. 2 para. 22\(c\)](#)
- Sch. 5B para. 12(5) words substituted by [S.I. 2016/997 Sch. 2 para. 22\(c\)](#)
- Sch. 5C inserted by [2016 c. 1 Sch. 2](#)