



# Local Democracy, Economic Development and Construction Act 2009

## 2009 CHAPTER 20

### PART 6

#### ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

##### *Combined authorities and their areas*

#### **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).

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**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)

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- (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.

**Annotations:**

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**Commencement Information**

**II** S. 104 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 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](#)