
STATUTORY INSTRUMENTS

2017 No. 126

The West of England Combined Authority Order 2017

PART 2

**Establishment of a combined authority for the
West of England; election of the Mayor; funding**

Establishment

3.—(1) There is established as a body corporate a combined authority for the areas of the constituent councils.

(2) The combined authority is to be known as the West of England Combined Authority.

(3) The functions of the combined authority 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 or under this Order or any other enactment (whenever passed or made).

Constitution

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

Mayor

5.—(1) There is to be a mayor for the Area.

(2) The first election for the return of a mayor is to take place on 4th May 2017.

(3) Subsequent elections for the return of a mayor for the Area must take place in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the mayor returned at an election for the return of a mayor for the Area—

(a) begins with the fourth day after the day of the poll at the election for the return of a mayor for the Area; and

(b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

(5) In this article, “the ordinary day of election”, in relation to any year, means the day which is the ordinary day of election in that year of councillors for counties in England and districts in accordance with sections 37 and 37A of the Representation of the People Act 1983⁽¹⁾.

⁽¹⁾ 1983 c. 2. Section 37 was amended by section 17 of, and Schedule 3 to, the 1999 Act and by section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 37A was inserted by section 60(2) of the Local Government and Public Involvement in Health Act 2007.

Funding

6.—(1) The constituent councils must meet any reasonably incurred costs of the Combined Authority, other than the costs mentioned in paragraph (4), to the extent that the Combined Authority has not decided to meet these costs from other resources available to the Combined Authority.

(2) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraph (1) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population of the Area which resides in that council at the relevant date as estimated by the Statistics Board(2).

(3) The functions mentioned in articles 8(1), (4) and 9 may be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 (levies)(3) and in accordance with the Transport Levying Bodies Regulations 1992(4).

(4) Subject to paragraph (5), the constituent councils must meet the costs of the expenditure reasonably incurred in, or in connection with, the exercise of the functions specified in articles 7, 10, 12(1)(a) to (e), 13 and 23, to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(5) In relation to the expenditure mentioned in paragraph (4), to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (2)—

- (a) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (4) in advance of incurring this expenditure; and
- (b) in the absence of the agreement specified in sub-paragraph (a), no such expenditure may be incurred.

(6) Section 39(1)(ab) of the Local Government Finance Act 1992(5) (precepting and precepting authorities) has effect in relation to the Combined Authority as if after “2009” there were inserted “other than the West of England Combined Authority”.

(7) 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 prior to the financial year in which such payment is made.

(2) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

(3) c. 41. Section 74 was amended by section 117 of and paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 20 of and paragraph 21 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19); section 120 of and Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the 1999 Act; section 109 of and paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 53 of and paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); section 22 of and paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007; sections 119 and 146 of and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the 2009 Act; section 99 of and paragraph 182(a) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); section 79 of and paragraphs 1 and 2 of Schedule 7 to the 2011 Act (c. 20); section 9 of the 2016 Act and by S.I. 1994/2825.

(4) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(5) Section 39 was amended by section 35 of the Local Government (Wales) Act 1994; sections 82 and 43 of and paragraph 1 of Part 1 of Schedule 34 to the 1999 Act; section 83 of the 2003 Act; section 53 of and paragraph 81 of Schedule 1 to the Fire and Rescue Services Act 2004; section 32 of and paragraph 10 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36); section 26 of the Police Reform and Social Responsibility Act 2011; section 5 of the 2016 Act; and by S.I. 1999/3435.