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STATUTORY INSTRUMENTS

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**2017 No. 251**

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

**PART 1**

**General**

**Citation and commencement**

**1.**—(1) This Order may be cited as the Cambridgeshire and Peterborough Combined Authority Order 2017.

(2) Save as provided in paragraph (3), this Order comes into force on—

(a) 1st February 2017; or

(b) if the Order is made on or after 1st February 2017, on the day after the day on which it is made.

(3) Articles 7 and 12 come into force on 8th May 2017.

**Interpretation**

**2.** In this Order—

“the 1980 Act” means the Highways Act 1980(1);

“the 2000 Act” means the Transport Act 2000(2);

“the 2003 Act” means the Local Government Act 2003(3);

“the 2011 Act” means the Localism Act 2011(4);

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

“Combined Authority” means the Cambridgeshire and Peterborough Combined Authority as constituted by article 3;

“constituent councils” means the councils for the local government areas of Cambridge, Cambridgeshire, East Cambridgeshire, Fenland, Huntingdonshire, Peterborough and South Cambridgeshire;

“Local Enterprise Partnership” means the board of the Greater Cambridge Greater Peterborough Enterprise Partnership Limited(5);

“Mayor” means the mayor for the Combined Authority as provided for by article 5; and

“upper-tier authority” means Cambridgeshire County Council or Peterborough City Council.

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(1) 1980 c. 66.

(2) 2000 c. 38.

(3) 2003 c. 26.

(4) 2011 c. 20.

(5) The Greater Cambridge Greater Peterborough Enterprise Partnership is registered as a company limited by guarantee, Company No: 07553554.

## PART 2

### Establishment of a combined authority for Cambridgeshire and Peterborough

#### 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 Cambridgeshire and Peterborough 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. The Schedule (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 are to take place—

(a) on the ordinary day of election in 2021, and

(b) 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 and districts in England as determined in accordance with sections 37 and 37A of the Representation of the People Act 1983<sup>(6)</sup>.

#### Funding

6.—(1) The constituent councils must meet any reasonably incurred costs of the Combined Authority, other than the costs mentioned in paragraph (2), to the extent that the Combined Authority has not decided to meet these costs from other resources available to the Combined Authority.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably attributable to the exercise of the function specified in article 12(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning

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(6) 1983 c. 2. Section 37 was amended by section 17 of, and Schedule 3 to, the Greater London Authority Act 1999 (c. 29) 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.

such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal proportions.

- (4) In relation to the expenditure mentioned in paragraph (2)—
- (a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—
    - (i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and
    - (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and
  - (b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 (issue of precepts by major precepting authorities)<sup>(7)</sup> is to be disregarded in any calculation of the costs of that expenditure.

## PART 3

### Transport

#### Power to pay grant

7.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) These functions are exercisable—

- (a) concurrently with a Minister of the Crown; and
- (b) only for the purpose of paying grant to an upper-tier authority.

(3) Paragraph (4) applies where, in exercising the functions referred to in paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by an upper-tier authority in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the upper-tier authority has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account—

- (a) any other sources of funding available to the upper-tier authority for expenditure incurred or to be incurred in relation to the exercise of its highway functions; and
- (b) the most recent determination by the Secretary of State of an amount of grant paid to the upper-tier authority for those purposes.

(6) For the purposes of the exercise of the functions of the Combined Authority referred to in paragraph (1), section 31 of the 2003 Act has effect as if—

- (a) in subsection (1)—
  - (i) the reference to a Minister of the Crown were a reference to the Combined Authority;
  - (ii) the reference to a local authority in England were a reference to an upper-tier authority;
- (b) subsection (2) were omitted;

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(7) 1992 c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of and paragraph 7 of Schedule 17 to the 2011 Act and section 5 of the 2016 Act.

(c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;

(d) subsection (6) were omitted.

(7) In this article “highway functions” means the functions exercisable by an upper tier authority (in whatever capacity) in relation to the highways for which they are the highway authority(8).

### Local transport

8. The following functions are exercisable by the Combined Authority, instead of the upper-tier authorities, in relation to the Area—

(a) functions of the upper-tier authorities specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(9); and

(b) the functions of the upper-tier authorities as local transport authorities specified in Part 2 (local transport) of the 2000 Act(10).

### Agreements between authorities

9.—(1) The functions of the upper-tier authorities specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc.)(11) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the upper-tier authorities as local highway authorities specified in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the Area—

(a) section 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(12);

(b) section 62 (general power of improvement)(13);

(c) section 64 (dual carriageways and roundabouts)(14);

(d) section 65 (cycle tracks);

(e) section 66 (footways and guard-rails etc for publicly maintainable highways)(15);

(f) section 68 (refuges);

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(8) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(9) 1985 c. 67.

(10) Section 108(4) of the 2000 Act provides that in Part 2 of that Act “local transport authority” means (a) a county council in England, (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council, (c) an Integrated Transport Authority for an integrated transport area in England, (ca) a combined authority, or (d) a county council or county borough council in Wales.

(11) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(12) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(13) Section 62 was amended by Schedule 10 to the Transport Act 1981 (c. 56), Schedule 17 to the Local Government Act 1985 (c. 51), and section 1(1) of the Traffic Calming Act 1992 (c. 30).

(14) Section 64 was amended by Schedule 17 to the Local Government Act 1985 and Schedule 9 to the New Roads and Street Works Act 1991 (c. 22).

(15) Section 66 was amended by paragraph 17 of Schedule 4 to the Local Government Act 1985, section 70(1) of the Countryside and Rights of Way Act 2000 (c. 37), and paragraph 23 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

- (g) section 69 (subways)(16);
- (h) section 70 (footbridges over highways);
- (i) section 73 (power to prescribe improvement line for widening street) (17);
- (j) section 74 (power to prescribe a building line)(18);
- (k) section 75 (variation of widths of carriageways and footways);
- (l) section 76 (levelling of highways);
- (m) section 77 (alteration of levels);
- (n) section 78 (cutting off of corners);
- (o) section 79 (prevention of obstruction to view at corners)(19);
- (p) section 80 (power to fence highways)(20);
- (q) section 81 (provision of highway boundary posts);
- (r) section 91 (construction of bridge to carry existing highway maintainable at public expense);
- (s) section 92 (reconstruction of bridge maintainable at public expense);
- (t) section 93 (power to make orders as to reconstruction, improvement, etc of privately maintainable bridges)(21);
- (u) section 94 (powers of highway authorities and bridge owners to enter into agreements);
- (v) section 96 (powers of highway and local authorities to plant trees, lay out grass verges etc);
- (w) section 97 (lighting of highways)(22);
- (x) section 98 (delegation of lighting functions of highway authority);
- (y) section 99 (metalling of highways);
- (z) section 100 (drainage of highways)(23); and
- (aa) section 101 (power to fill in roadside ditches etc).

(3) The functions specified in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article, “local highway authority” has the meaning given by section 329(1) of the 1980 Act (further provision as to interpretation)(24).

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(16) Section 69 was amended by Schedule 17 to the Local Government Act 1985, paragraph 7 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 24 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(17) Section 73 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48) and paragraph 62 of Schedule 25 to the Water Act 1989 (c. 15).

(18) Section 74 was amended by sections 37 and 46 of the Criminal Justice Act 1982 and paragraph 62 of Schedule 25 to the Water Act 1989.

(19) Section 79 was amended by paragraph 18 of Schedule 17 to the Local Government Act 1985, paragraph 8 of Schedule 7 to the Local Government (Wales) Act 1994, sections 37 and 46 of the Criminal Justice Act 1982, and paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(20) Section 80 was amended by paragraph 19 of Schedule 4 to the Local Government Act 1985, paragraph 45(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 25 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(21) Section 93 was amended by paragraph 27 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(22) Section 97 was amended by paragraph 29 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(23) Section 100 was amended by paragraph 21 of Schedule 4 to the Local Government Act 1985, paragraph 62 of Schedule 25 to the Water Act 1989, paragraph 36(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991, and paragraph 9 of Schedule 7 to the Local Government (Wales) Act 1994.

(24) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015 (c. 7).

## 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)(**25**); 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)(**26**).

#### 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(**27**).

#### 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(**28**).

(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.

(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—

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- (25) 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.
  - (26) 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.
  - (27) 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.
  - (28) 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.

- (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)(29);
- (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)(30); and
- (c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(31).

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)(32) 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)(33) has effect in relation to the Combined Authority as if—

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

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(29) 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.

(30) 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.

(31) To which there are amendments not relevant to this instrument.

(32) 1985 c. 51.

(33) 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.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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16. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013<sup>(34)</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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Signed by authority of the Secretary of State for Communities and Local Government

*Bourne of Aberystwyth*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

2nd March 2017

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<sup>(34)</sup> [S.I. 2013/2356](#). Schedule 3 was amended by regulations 31 and 32 of [S.I. 2015/755](#).