

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

**LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND
EDUCATION, ENGLAND**

**The Barnsley, Doncaster, Rotherham and Sheffield Combined
Authority (Functions and Amendment) Order 2020**

Made - - - -

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a), 105(1) and (3), 105A(1), (2) and (3), 107D(1), (7) and (8), 107E(1) to (4), 113D, 114(1) and (3), and 117(5) of the Local Democracy, Economic Development and Construction Act 2009⁽¹⁾ (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act⁽²⁾, considers that—

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and;
- (b) any consultation required by section 113(2) of the 2009 Act⁽³⁾ has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government⁽⁴⁾.

In accordance with sections 105(3A) and 105B(1) and (2) of the 2009 Act, the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”) and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order⁽⁵⁾.

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- (1) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.
 - (2) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.
 - (3) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.
 - (4) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 of the 2009 Act in relation to an existing combined authority, to have regard to these matters.
 - (5) This Order relates to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, which was established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863).

In accordance with section 107D(9) of the 2009 Act the Mayor for the area of the Combined Authority, the Combined Authority, and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved, by a resolution of each House of Parliament under section 117(2) of the 2009 Act.

PART 1

General

Citation and commencement

1. This Order may be cited as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989⁽⁶⁾;

“the 1999 Act” means the Greater London Authority Act 1999⁽⁷⁾;

“the 2003 Act” means the Local Government Act 2003⁽⁸⁾;

“the 2008 Act” means the Housing and Regeneration Act 2008⁽⁹⁾;

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act” means the Localism Act 2011⁽¹⁰⁾;

“the 2014 Order” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014⁽¹¹⁾;

“adult detention” has the meaning given by section 121(4) of the Apprenticeships, Skills, Children and Learning Act 2009⁽¹²⁾;

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

“the Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;

⁽⁶⁾ 1989 c. 42.

⁽⁷⁾ 1999 c. 29.

⁽⁸⁾ 2003 c. 26.

⁽⁹⁾ 2008 c. 17.

⁽¹⁰⁾ 2011 c. 20.

⁽¹¹⁾ S.I. 2014/863.

⁽¹²⁾ 2009 c. 22. Section 121 was amended by paragraph 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19); paragraph 22 of Part 2 of Schedule 1, and paragraph 27 of Part 1 of Schedule 14, to the Deregulation Act 2015 (c. 20); and by paragraph 8 of Schedule 18 to the Education Act 2011 (c. 21).

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined Authority;

“constituent councils” means the councils for the local government areas of Barnsley, Doncaster, Rotherham and Sheffield; and

“Mayor” means the mayor for the Area, except in the term “Mayor of London”.

PART 2

Transport

Transfer of functions etc. relating to transport

3.—(1) The functions of the constituent councils specified in section 6 of the Highways Act 1980(**13**) (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the Highways Act 1980(**14**) (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to 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 Highways Act 1980(**15**).

Power to pay grant

4.—(1) The functions of a Minister of the Crown(**16**) 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) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highways functions, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

(4) To comply with paragraph (3), the Combined Authority must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highways functions.

(5) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

(13) 1980 c. 66. 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, section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(14) 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.

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

(16) See section 105A(9) of the 2009 Act for the definition of “Minister of the Crown”.

- (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 a constituent council,
 - (b) subsection (2) were omitted;
 - (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.
- (6) In this article “highways functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority⁽¹⁷⁾.

PART 3

Education, skills and training functions

Transfer of local authority functions

5.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

- (2) The provisions referred to in paragraph (1) are—
 - (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)⁽¹⁸⁾;
 - (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)⁽¹⁹⁾;
 - (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)⁽²⁰⁾;
 - (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19)⁽²¹⁾;
 - (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)⁽²²⁾;
 - (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)⁽²³⁾;

(17) 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.

(18) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

(19) [1996 c. 56](#). Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 ([c. 22](#)) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 ([c. 6](#)) and by [S.I. 2010/1158](#).

(20) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998 ([c. 31](#)) and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000 ([c. 21](#)); section 59 of, and paragraph 4 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009; section 82 of, and paragraph 6 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(21) Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000 and was amended by section 82 of, and paragraph 7 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(22) Section 10 was amended by [S.I. 2010/1158](#).

(23) Section 12 was amended by [S.I. 2010/1158](#).

- (g) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**24**);
 - (h) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**25**); and
 - (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**26**).
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.
- (5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.
- (6) Section 10 of the Children Act 2004(**27**) (co-operation to ensure well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14-19 education or training in the Area within the meaning of section 85(5) of the Education and Skills Act 2008.

Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area

- 6.—**(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009(**28**) are exercisable by the Combined Authority in relation to the Area—
- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(**29**);
 - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(**30**); and
 - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(**31**).
- (2) The functions mentioned in paragraph (1) do not include —
- (a) any functions relating to apprenticeship training;
 - (b) any functions relating to persons subject to adult detention; or
 - (c) any power to make regulations or orders.
- (3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

(24) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158.

(25) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

(26) Section 85 was amended by S.I. 2010/1158.

(27) 2004 c. 31. Section 10 was amended by section 39 of and paragraph 4 of Schedule 3 to the Offender Management Act 2007 (c. 21), section 169 of and paragraphs 82 and 83 of Part 2 of Schedule 1 to the Education and Skills Act 2008, section 193 and 266 of and Part 5 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009, sections 99 of and paragraphs 330 and 331 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 67 of and paragraph 23 of Schedule 16 to the Education Act 2011 (c. 21), section 55 of and paragraphs 127 and 128 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), section 82 of and paragraph 80 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6), and by SI 2010/1158.

(28) 2009 c. 22.

(29) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c.20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c.21).

(30) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraph 91 of Part 2 of Schedule 3 to the Children and Families Act 2014.

(31) Subsection (1) is amended by section 114(2) of the Digital Economy Act 2017 (c. 30), on a date to be appointed. Section 88 was amended by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 and by section 73 of the Education Act 2011.

Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area

7.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention)(**32**); and
 - (b) section 100(1) (provision of financial resources)(**33**).
- (2) The functions mentioned in paragraph (1) do not include—
- (a) any function relating to apprenticeships training; or
 - (b) any function relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

Conditions on the exercise of functions mentioned in articles 6 and 7

8.—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 6 and 7, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(**34**).

(3) In subsection (1), “award” has the same meaning as in regulation 2 of the Fees and Awards (England) Regulations 2007(**35**).

Modification of provisions in the Apprenticeships, Skills, Children and Learning Act 2009

9. For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 6 and 7, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the Apprenticeships, Skills, Children and Learning Act 2009 apply in relation to the Combined Authority with the modifications set out in Schedule 1.

(32) Section 90 was amended by paragraphs 5 and 20 of Part 2 of Schedule 1, and paragraphs 1 and 12 of Part 1 of Schedule 14, to the Deregulation Act 2015.

(33) Section 100 was amended by section 27 of the Enterprise Act 2016 (c. 12); by Schedules 1 and 14 to the Deregulation Act 2015; and by paragraphs 1 and 9 of Schedule 18 to the Education Act 2011.

(34) The Secretary of State’s guidance was published on 23rd July 2018 and is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730012/The_exercise_of_devolved_adult_education_functions.pdf. Copies are available on request from the Department for Education, 20 Great Smith Street, London SW1P 3BT.

(35) S.I. 2007/779, as amended by S.I. 2007/2263, S.I. 2010/1172, S.I. 2010/1941, S.I. 2011/87, S.I. 2011/1043, S.I. 2011/1987, S.I. 2012/765, S.I. 2012/956, S.I. 2012/1653, S.I. 2015/971, S.I. 2016/584, S.I. 2017/114, and S.I. 2018/137.

PART 4

Housing and regeneration

Housing and regeneration

10.—(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)**(36)**;
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of—

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

(36) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

PART 5

Mayoral development corporation

Mayoral development corporation

11.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(**37**);
- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(**38**);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

Application of provisions in the 2011 Act

12.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
 - (b) any reference which falls to be read as a reference to a Mayoral development corporation,
- is to be treated as including a reference to a Corporation.

(37) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(38) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

(4) For the purposes of any transfer scheme relating to a Corporation, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**39**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**40**);
- (c) section 38 of the 1999 Act (delegation)(**41**);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(**42**);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(**43**);
- (f) section 73 of the 1999 Act (monitoring officer)(**44**);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(**45**);

(39) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(40) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by [S.I. 2012/1530](#).

(41) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of [S.I. 2012/1530](#).

(42) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of [S.I. 2008/2038](#).

(43) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(44) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to [S.I. 2000/1435](#).

(45) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.

- (h) section 424 of the 1999 Act (interpretation)(46);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(47); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(48).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

Mayoral development corporation: incidental provisions

13.—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(49), and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction)(50) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(51) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

- (a) each reference to a functional body were a reference to a Corporation;
- (b) each reference to the Greater London Authority were a reference to the Combined Authority;
- (c) each reference to the Mayor of London were a reference to the Mayor; and
- (d) subsection (7) were omitted.

(46) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(47) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(48) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(49) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(50) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.

(51) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(1) and 23(1)(a) to (f) of SI 2001/2237.

PART 6

Mayoral functions and funding

Functions exercisable only by the Mayor

14.—(1) The functions of the Combined Authority set out in paragraph (2) are general functions exercisable only by the Mayor⁽⁵²⁾.

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

- (a) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act; and
- (b) section 31 of the 2003 Act.

(3) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members.

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
- (b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the Peak District National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park; and
- (b) each member of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

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

- (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.

(7) Subject to paragraphs (8) and (9), 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) for the purposes of the exercise by the Mayor of general functions.

⁽⁵²⁾ 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.

(8) Any exercise by the Mayor of the general power conferred by paragraph (7) 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.

(9) Any exercise by the Mayor of the general power conferred by paragraph (7) 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.

(10) For the purpose of paragraphs (3), (4), (5)(b), (8) and (9), the consent must be given at a meeting of the Combined Authority.

Political advisers

15.—(1) The Mayor may appoint one person as the Mayor’s political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups⁽⁵³⁾), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

Funding

16.—(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in article 14(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

(53) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by [S.I. 2001/2237](#). There are other amendments not relevant to this Order.

such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion to the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board⁽⁵⁴⁾.

- (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 is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992⁽⁵⁵⁾.

(6) For the purposes of paragraph (3) 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.

PART 7

Additional functions

General power of competence

17. Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) has effect in relation to the Combined Authority as it has effect in relation to a local authority⁽⁵⁶⁾.

PART 8

Amendment of the 2014 Order

Amendment of the 2014 Order

18. Article 5 (funding) of the 2014 Order is omitted.
- 19.—(1) Schedule 1 (constitution) to the 2014 Order is amended as set out in the following paragraphs.
- (2) Paragraph 2 (chairman and vice-chairman) is omitted.
 - (3) In paragraph 3 (proceedings), after sub-paragraph (6) insert—

⁽⁵⁴⁾ 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).

⁽⁵⁵⁾ S.I. 1992/2789.

⁽⁵⁶⁾ 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.

“(7) Questions relating to the functions conferred by Parts 2 to 5 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 cannot be carried without a vote in favour by the Mayor or the deputy Mayor acting in place of the Mayor.”.

(4) In paragraph 4 (committees)—

(a) in subparagraph (2), omit “and non-constituent councils”; and

(b) in subparagraph (6), omit “the overview and scrutiny committee, or to”.

(5) At the start of paragraph 7 (remuneration), insert “Subject to paragraphs 7A and 7B”.

(6) After paragraph 7 (remuneration), insert—

7A. Paragraphs 7B and 7C apply in relation to allowances payable other than allowances for travel and subsistence.

7B.—(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority and to the constituent councils regarding the allowances payable to—

(a) the Mayor; and

(b) the Deputy Mayor.

(2) An independent remuneration panel must consist of at least three members none of whom—

(a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or

(b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

7C. The Combined Authority may only pay an allowance to the Mayor or to the Deputy Mayor if—

(a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 7A which contains recommendations for such an allowance; and

(b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Minister of State
Ministry of Housing, Communities and Local
Government

Date

SCHEDULE 1

Article 9

Modification of provisions of the Apprenticeships, Skills, Children and Learning Act 2009 in their application to the Combined Authority

1. Section 86 has effect as if—
 - (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
 - (b) subsection (1)(b) were omitted but not “and” at the end;
 - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
 - (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
 - (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
 - (f) in subsection (7), the words “or (b)” were omitted.
2. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
3. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
4. Section 90 has effect as if—
 - (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
 - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
 - (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.
5. Section 100 has effect as if—
 - (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
 - (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
 - (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
 - (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
6. Section 101(57) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
7. Section 103(58) has effect as if—
 - (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
 - (b) the words “or (1A)” were omitted.
8. Section 115(59) has effect as if—

(57) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(58) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(59) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
 - (b) in subsection (2)(a), the word “, and” were omitted; and
 - (c) in subsection (2), paragraph (b) were omitted.
9. Section 121(60) has effect as if—
- (a) in subsection (1), there were added at the appropriate place—
 - ““Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, a body corporate established under the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”;
 - (b) in subsection (2)—
 - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
 - (ii) in paragraph (a), the words “or (b)” were omitted; and
 - (c) in subsection (3)—
 - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
 - (ii) paragraphs (a) and (aa) were omitted.

SCHEDULE 2

Article 10

PART 1

Modification of the application of Chapter 2 of Part 1 of the 2008 Act

1.—(1) Chapter 2 of Part 1 of the 2008 Act applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

- (4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—
 - ““Combined Authority” means the body corporate established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”.

(60) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”.

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020.

SCHEDULE 3

Article 12

Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority, established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the Area”;

(b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;

(c) in subsection (3)(d)—

- (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
 - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”; and
 - (d) in subsection (3)(e)—
 - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
 - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
 - (e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
 - (f) in subsection (4)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council or county council whose local government area”;
 - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park.”;
 - (v) paragraphs (f) and (g) were omitted;
 - (g) in subsection (5)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
 - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
 - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
 - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
 - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
 - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
 - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—

- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”; and
 - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council or county council wholly or partly in the Area”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the Area”;
 - (iv) paragraphs (f) to (h) were omitted;
 - (v) paragraph (k) were omitted;
 - (b) in subsection (4) paragraph (b) were omitted;
 - (c) subsection (7) were omitted;
 - (d) subsection (8) were omitted; and
 - (e) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
 - (c) in subsection (7), in the definition of “affected authority”, “(f) or (g)” were omitted.
- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
 - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
 - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent

- councils (including substitute members, acting in place of those members) or a district council or county council wholly or partly in the Area”; and
- (c) in subsection (4) the definition of “an affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
- (i) the definition of “functional body” were omitted; and
- (ii) in the definition of “permitted recipient”—
- (aa) paragraph (b) were omitted,
- (bb) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the Area”, and
- (cc) paragraph (e) were omitted.
- (14) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
- (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
- (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
- (b) for each reference to “an MDC” there were substituted “the Corporation”;
- (c) in paragraph 1(1)—
- (i) for “Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
- (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
- (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council or county council”;
- (e) in paragraph 1(3)—
- (i) sub-paragraph (a) were omitted; and
- (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
- (f) in paragraph 1(5), for “MDC’s” there were substituted “Corporation’s”;
- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
- (h) in paragraph 3, for “MDC’s” there were substituted “Corporation’s”;
- (i) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions of local authorities and other public authorities on the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order concerns the transport functions of the Combined Authority. Article 4 provides for the Combined Authority to pay a grant under section 31 of the Local Government Act 2003 to constituent councils in respect of any of their functions, which is exercisable concurrently with a Minister of the Crown.

Article 5 of the Order confers on the Combined Authority functions of the constituent councils in relation to education, skills and training to be exercisable by the Combined Authority in the Combined Authority’s area concurrently with the constituent councils. Article 6 of the Order provides for the transfer to the Combined Authority of adult education functions under section 86 to 88 of the Apprenticeships, Skills, Children and Learning Act 2009, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

Article 7 also provides for the functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 8 sets conditions on the exercise of the functions mentioned in Articles 6 and 7. The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document).

Article 9 and Schedule 1 to the Order apply certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Part 4 of and Schedule 2 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 5 of and Schedule 3 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 2 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 No. 806*

Part 6 of the Order makes additional provision for the Mayor for the area of the Combined Authority and funding. Article 14 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 15 provides for the appointment of a political adviser to the Mayor. Article 16 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. Article 17 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 7 of the Order extends to the Combined Authority the general power of competence available to the constituent councils.

Part 8 of the Order provides for amendments to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 which establishes the Combined Authority. Article 18 removes the funding provision for the Combined Authority's economic and development and regeneration functions, which is replaced by article 16 of this Order. Article 19 makes provision in the Combined Authority's constitution relating to the Combined Authority's voting arrangements and remuneration.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.