
DRAFT STATUTORY INSTRUMENTS

2021 No.

**The West Yorkshire Combined Authority
(Election of Mayor and Functions) Order 2021**

PART 1

General

Citation, commencement and application

1.—(1) This Order may be cited as the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021.

(2) Save as provided in paragraphs (3) and (4) this Order comes into force on the day after the day on which it is made.

(3) Articles 4 and 27 come into force on the fourth day after the day of the election for the return of the Mayor.

(4) Articles 34(1), 35, 36, 37 and 38 come into force on 10th May 2021.

(5) Articles 6 and 7 of this Order only apply in relation to the provision of education or training in an academic year beginning on or after 1st August 2021.

(6) In paragraph (5), “academic year” means a period beginning with 1st August and ending with the next 31st July.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984(1);

“the 1985 Act” means the Housing Act 1985(2);

“the 1989 Act” means the Local Government and Housing Act 1989(3);

“the 1990 Act” means the Town and Country Planning Act 1990(4);

“the 1999 Act” means the Greater London Authority Act 1999(5);

“the 2003 Act” means the Local Government Act 2003(6);

“the 2008 Act” means the Housing and Regeneration Act 2008(7);

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009(8);

(1) 1984 c. 27.
(2) 1985 c. 68.
(3) 1989 c. 42.
(4) 1990 c. 8.
(5) 1999 c. 29.
(6) 2003 c. 26.
(7) 2008 c. 17.
(8) 2009 c. 20.

“the 2011 Act” except in Part 10 and Schedule 5 means the Localism Act 2011⁽⁹⁾;

“the BRS Act” means the Business Rate Supplements Act 2009⁽¹⁰⁾;

“the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996⁽¹¹⁾;

“the 2014 Order” means the West Yorkshire Combined Authority Order 2014⁽¹²⁾;

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

“apprenticeship training” has the meaning given by section 83(5) of the Apprenticeships, Skills, Children and Learning Act 2009;

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

“the Combined Authority” means the West Yorkshire Combined Authority;

“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 metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“election for the return of the mayor” means an election held pursuant to article 3 of this Order;

“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 as determined in accordance with sections 37 and 37A of the Representation of the People Act 1983⁽¹³⁾.

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

“non-constituent council” means the council for the local government area of York;

“the police and crime commissioner” means the police and crime commissioner for West Yorkshire;

“the PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992⁽¹⁴⁾ (as modified by the Combined Authorities (Finance) Order 2017)⁽¹⁵⁾ in respect of the Mayor’s PCC functions⁽¹⁶⁾; and

“the PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992 (as modified by the Combined Authorities (Finance) Order 2017) in respect of the Mayor’s PCC functions.

(9) 2011 c. 20.

(10) 2009 c. 7.

(11) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.

(12) S.I. 2014/864.

(13) 1983 c.2.

(14) 1992 c. 14. Section 42A was inserted by section 75 of the Localism Act 2011 (c. 20) and amended by article 3 of S.I. 2014/389. Section 107G of the Local Government and Devolution Act 2016 (c.1) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

(15) S.I. 2017/611.

(16) “PCC functions” is defined in section 107F(3) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

PART 2

Election of Mayor

Election of Mayor

- 3.—(1) There is to be a mayor for the Area.
- (2) The first election for the return of a mayor for the Area is to take place on 6th May 2021.
- (3) Subsequent elections for the return of a mayor for the Area shall take place—
- (a) on the ordinary day of election in 2024, 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.

Political adviser

- 4.—(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) Section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)(17) 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 from “and that the appointment terminates” to the end of that subsection were omitted.

(17) 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.

PART 3

Education, skills and training functions

Concurrent exercise 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 560A of the Education Act 1996 (work experience for persons over compulsory school age)(20);
- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(21);
- (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(22);
- (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(23);
- (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(24);
- (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(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 improve well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14-19

(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 560A was inserted by section 47 of the Apprenticeships, Skills, Children and Learning Act 2009.

(21) Section 10 was amended by S.I. 2010/1158.

(22) Section 12 was amended by S.I. 2010/1158.

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

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

(25) Section 71 was amended by section 28 of the Education Act 2011.

(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

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.

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); and
- (b) section 100(1) (provision of financial resources)⁽³²⁾.

(2) The functions mentioned in paragraph (1) do not include—

- (a) any function relating to apprenticeship 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.

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.

(32) 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.

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)(33).

(3) In paragraph (1), “award” has the same meaning as in regulation 2 of the Education (Fees and Awards) (England) Regulations 2007(34).

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.

PART 4

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

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)(35);
- (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 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(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 —

(33) 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.

(34) 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.

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

(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) The exercise of the function referred to at sub-paragraph (e) of paragraph (1) is subject to the condition set out in article 12.

Acquisition and appropriation of land for planning and public purposes

11.—(1) The functions of the constituent councils specified in the following provisions as applied by article 13(2) to (5) are exercisable by the Combined Authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(**36**);
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(**37**);
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(**38**);
- (i) section 238 of the 1990 Act (use and development of consecrated land);
- (j) section 239 of the 1990 Act (use and development of burial grounds);
- (k) section 241 of the 1990 Act (use and development of open spaces);
- (l) section 17 of the 1985 Act (acquisition of land for housing purposes)(**39**); and
- (m) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The functions are exercisable concurrently with the constituent councils.

(3) The exercise of the functions referred to at sub-paragraphs (a) and (l) of paragraph (1) is subject to the condition set out in article 12.

(36) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(37) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(38) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(39) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

Condition on the exercise of the functions conferred by articles 10 and 11

12. The exercise of the functions in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of —

- (a) each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order whose area contains any part of the land subject to the proposed compulsory acquisition, or
- (b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority.

Application of provisions of the 1985 Act, the 1990 Act and the 2008 Act

13.—(1) This article has effect in consequence of articles 10 and 11.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 11(1)(l) and (m) the Combined Authority is to be treated as a local housing authority for the Area⁽⁴⁰⁾.

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(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 as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

PART 5

Mayoral development corporation

Mayoral development corporation

14.—(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)⁽⁴¹⁾;
- (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);

⁽⁴⁰⁾ In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

⁽⁴¹⁾ 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).

- (h) section 216 (transfers of property, rights and liabilities)(42);
- (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

15.—(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.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 17, 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,

(42) 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.

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)([43](#));
- (b) section 31(1A) of the 1999 Act (limits of the general power)([44](#));
- (c) section 38 of the 1999 Act (delegation)([45](#));
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)([46](#));
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)([47](#));
- (f) section 73 of the 1999 Act (monitoring officer)([48](#));
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)([49](#));
- (h) section 424 of the 1999 Act (interpretation)([50](#));
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)([51](#)); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)([52](#)).

(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

16.—(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)([53](#)), and

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

(44) 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](#).

(45) 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](#).

(46) 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](#).

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

(48) 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](#).

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

(50) 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.

(51) [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.

(52) [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.

(53) 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 \(c. 3\)](#).

- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of section 1.
- (2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(**54**) 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.

PART 6

Transport

Power to pay grant

17.—(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) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraphs (1) and (2), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council 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 constituent council has sufficient funds to facilitate the effective discharge of those functions.

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

(6) 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—

- (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.

(54) 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(l) and 23(1)(a) to (f) of SI 2001/2237.

(7) In this article “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

Grants to bus service operators

18.—(1) Subject to paragraphs (2) to (4), the Combined Authority shall have in relation to the Area a function corresponding to the function in section 154(1) of the Transport Act 2000⁽⁵⁵⁾ (grants to bus service operators) which the Secretary of State has in relation to England.

(2) For the purpose of paragraph (1), section 154(1) of the Transport Act 2000 shall have effect as if “with the approval of the Treasury” were omitted.

(3) Grants made under paragraph (1) must be—

- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the Transport Act 2000; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the Transport Act 2000 and notified to the Combined Authority.

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) In this article, “eligible bus services” has the meaning given by section 154(5) of the Transport Act 2000.

Agreements between authorities and strategic highways companies

19.—(1) The functions of the constituent councils 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)⁽⁵⁶⁾ 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 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)⁽⁵⁷⁾ 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—

- (a) “the 1980 Act” means the Highways Act 1980⁽⁵⁸⁾;
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act⁽⁵⁹⁾.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

⁽⁵⁵⁾ 2000 c. 38.

⁽⁵⁶⁾ 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, and S.I. 1995/1986.

⁽⁵⁷⁾ 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.

⁽⁵⁸⁾ 1980 c. 66.

⁽⁵⁹⁾ This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015.

Traffic regulation

20.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1 (traffic regulation orders outside Greater London)(**60**);
- (b) section 2(4) (what a traffic regulation order may provide)(**61**);
- (c) section 9 (experimental traffic orders)(**62**);

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

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.

(6) In this article “local traffic authority” has the meaning given by section 121A(**63**) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

Transport functions related to traffic signs and pedestrian crossings

21.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 23 (pedestrian crossings); and
- (b) section 65 (placing of traffic signs).

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

(3) In consequence of subparagraphs (a) and (b) of paragraph (1), the Combined Authority, in the discharge of the functions conferred on it by those provisions—

- (a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(**64**); and

(60) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(61) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(62) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(63) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(64) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.

(b) is to be treated as a local traffic authority for the roads over which the functions are exercised.

(4) In this article “local traffic authority” has the meaning given by section 121A⁽⁶⁵⁾ of the 1984 Act.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

Apparatus affected by highway, bridge or transport works

22.—(1) The functions of the constituent councils as highway authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Area—

- (a) sections 83, 84 and 85 of the New Roads and Street Works Act 1991⁽⁶⁶⁾ (“the 1991 Act”); and
- (b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000⁽⁶⁷⁾;
- (b) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act⁽⁶⁸⁾; and
- (c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations.

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

Permit schemes

23.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the Traffic Management Act 2004⁽⁶⁹⁾ (“the 2004 Act”) are exercisable by the Combined Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)⁽⁷⁰⁾;

⁽⁶⁵⁾ Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

⁽⁶⁶⁾ 1991 c. 22. Section 83 was amended by section 40 of, and Schedule 1 to the Traffic Management Act 2004 (c. 18).

⁽⁶⁷⁾ S.I. 2000/3314.

⁽⁶⁸⁾ Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004 (c. 18).

⁽⁶⁹⁾ 2004 c. 18.

⁽⁷⁰⁾ Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(71); and
 - (c) section 36 (variation and revocation of permit schemes)(72).
- (2) The functions of the constituent councils as permit authorities specified in the 2007 Regulations are exercisable by the Combined Authority in relation to the Area.
- (3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.
- (4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council, subject to the modifications in Schedule 4.
- (5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council.
- (6) For the purposes of paragraph (5), references in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined Authority.
- (7) In this article—
- (a) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act; and
 - (b) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(73).
- (8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

Bus lane contraventions

- 24.—**(1) The functions of the constituent councils in relation to each of their civil enforcement areas are exercisable by the Combined Authority in relation to the Enforcement Area.
- (2) The functions are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).
- (3) For the purposes of this article, the Combined Authority is to be treated as an approved local authority(74) for the Enforcement Area, and references in the 2005 Regulations to an approved local authority or to the combined area of such an authority are to be construed accordingly.
- (4) In this article—
- (a) “the 2005 Regulations” means the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(75);
 - (b) “civil enforcement area” means an area falling within Schedule 8 to the Traffic Management Act 2004 (civil enforcement areas and enforcement authorities)(76) and which falls within a constituent council’s area;

(71) Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(72) Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(73) S.I. 2007/3372, amended by S.I. 2015/958.

(74) Under section 144(3) of the 2000 Act an authority is an approved local authority if an order has been made designating the whole or any part of its area as a civil enforcement area for parking contraventions, and the Secretary of State has made an order specifying it as an approved local authority.

(75) S.I. 2005/2757.

(76) 2004 c. 18.

(c) “Enforcement Area” means the area comprising the civil enforcement areas of the constituent councils.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

PART 7

Additional functions

Assessment of economic conditions

25.—(1) The function of the constituent councils described in section 69 of the 2009 Act (duty to prepare an assessment of economic conditions) is exercisable by the Combined Authority in relation to the Area.

(2) The function referred to in paragraph (1) is exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(4) The provision referred to in paragraph (1) applies to the Combined Authority as it applies to a constituent council.

Data sharing

26.—(1) The functions of the constituent councils described in section 17A (sharing of information) of the Crime and Disorder Act 1998⁽⁷⁷⁾ are exercisable by the Combined Authority in relation to the Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998⁽⁷⁸⁾.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

PART 8

Mayoral functions

Functions exercisable only by the Mayor

27.—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

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

⁽⁷⁷⁾ 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

⁽⁷⁸⁾ Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); section s 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; and by S.I. 2000/90, S.I. 2002/2469, S.I. 2007/961, S.I. 2008/912, S.I. 2010/866 and S.I. 2013/602.

- (a) section 17(3) of the 1985 Act;
 - (b) sections 108 (local transport plans), 109 (further provision about plans: England), 112 (plans and strategies: supplementary) and 154(1) (grants to bus service operators) of the Transport Act 2000⁽⁷⁹⁾;
 - (c) section 31 of the 2003 Act;
 - (d) section 9(2) of the 2008 Act;
 - (e) sections 197, 199, 200, 202, 204, 214 to 217 and 219 to 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to, the 2011 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) each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members; and
 - (b) the Peak District National Park Authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.
- (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 each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or 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) each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members; and
 - (b) 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.
- (6) Any exercise by the Mayor of the functions corresponding to the functions contained in section 17(3) of the 1985 Act (acquisition of land for housing purposes) and section 9(2) of the 2008 Act (acquisition of land) requires the consent of each member of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order whose local government area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members.
- (7) For the purposes of the exercise of the general functions mentioned in paragraph (2) the members and officers may assist the Mayor in the exercise of the function.

⁽⁷⁹⁾ 2000 c. 38. Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the 2009 Act. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

(8) The members of the Combined Authority can amend plans made pursuant to sections 108, 109 and 112 of the Transport Act 2000 if a majority of members or substitute members acting in their place agree.

(9) For the purpose of paragraphs (3)(a), (4), (5)(a), and (6) the consent must be given at a meeting of the Combined Authority.

(10) For the purposes of the exercise of the functions mentioned in paragraph (2) the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority).

Joint committees

28.—(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972⁽⁸⁰⁾ for the discharge of the general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 27.

(2) In this article “other council” means the council for a county or district in England.

PART 9

Funding

Funding

29.—(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 referred to in article 27(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 such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion of 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.

(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⁽⁸¹⁾ is to be disregarded from any calculation of the costs of the expenditure.

⁽⁸⁰⁾ 1972, c.70.

⁽⁸¹⁾ 1992, c. 14.

(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 Combined 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⁽⁸²⁾.

(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.

Transitional provision

30.—(1) This article applies in relation to—

- (a) a billing authority whose area is within the Area; and
- (b) the financial year commencing on 1st April 2021 (“the relevant year”).

(2) The costs of the Mayor that are incurred in, or in connection with, the exercise of mayoral functions in the relevant year shall be met in the case of the Mayor’s PCC functions, from precepts issued by the Police and Crime Commissioner for West Yorkshire under section 40 (issue of precepts by major precepting authorities) of the Local Government Finance Act 1992⁽⁸³⁾.

(3) A billing authority that has been issued with a precept by the Police and Crime Commissioner for West Yorkshire in respect of the relevant year must, on and after 10th May 2021, pay to the Mayor out of its collection fund the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992⁽⁸⁴⁾.

(4) In this article—

“billing authority” has the same meaning as in section 1(2) of the Local Government Finance Act 1992⁽⁸⁵⁾; and

“collection fund” means the fund required to be established and maintained by a billing authority in accordance with section 89(1) of the Local Government Finance Act 1988⁽⁸⁶⁾.

Conferral of Business Rate Supplements functions

31.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act.

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRS Act.

32.—(1) The functions of the Combined Authority specified in article 31 are exercisable only by the Mayor.

(2) The members or officers of the Combined Authority may assist the Mayor in the exercise of the functions specified in article 31.

(3) For the purposes of the exercise of the functions specified in article 31 the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)⁽⁸⁷⁾.

⁽⁸²⁾ [S.I. 1992/2789](#).

⁽⁸³⁾ 1992 c. 14.

⁽⁸⁴⁾ [S.I. 1992/2428](#).

⁽⁸⁵⁾ 1992 c. 14.

⁽⁸⁶⁾ 1988 c. 41.

⁽⁸⁷⁾ Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(4) The Mayor must not make arrangements under section 107D(3)(b) of the 2009 Act (functions of mayors: general) in relation to the functions specified in paragraph (1), in relation to a political adviser appointed under article 4 of this Order.

Adaptation of BRS in consequence of article 31

- 33.** For the purposes of article 31, the BRS Act applies to the Combined Authority as if —
- (a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act included references to the Combined Authority.
 - (b) references in that Act to a lower-tier authority were, in relation to the Combined Authority, references to a district council whose area forms part of the Area.

PART 10

Police and Crime Commissioner functions

Police and Crime Commissioner functions

34.—(1) The Mayor shall exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 10th May 2021.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on, or after 10th May 2021) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011⁽⁸⁸⁾ is not to take place.

(4) The term of office of the police and crime commissioner for West Yorkshire is to continue until 10th May 2021.

(5) Any election to fill a vacancy in the office of police and crime commissioner for West Yorkshire which would otherwise take place under section 51 of the Police Reform and Social Responsibility Act 2011 is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 10th May 2021.

(6) For the purpose of this Part “the 2011 Act” means the Police Reform and Social Responsibility Act 2011⁽⁸⁹⁾.

Transfer of police and crime commissioner functions

35.—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor’s PCC functions, as a police and crime commissioner for the purposes of all police and crime commissioner enactments (whenever passed or made)⁽⁹⁰⁾.

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to those enactments set out in Schedule 6.

Transfer of property, rights and liabilities

36.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 10th May 2021 were property, rights and liabilities of

⁽⁸⁸⁾ 2011 c. 13.

⁽⁸⁹⁾ 2011 c. 13.

⁽⁹⁰⁾ The definition of “police and crime commissioner enactment” is at paragraph 12(5) of Schedule 5C to the 2009 Act.

the police and crime commissioner are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 10th May 2021.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor's PCC functions on or after 10th May 2021—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the Mayor by virtue of section 21 of the 2011 Act.

(3) All monies held in the police fund kept by the police and crime commissioner under section 21 of the 2011 Act immediately before 10th May 2021 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section (as applied in accordance with article 35).

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18(91) of the 2011 Act (as applied in accordance with article 35) in relation to the matters mentioned in paragraph (2).

Secondments

37. In the case of a person who, immediately before 10th May 2021 is seconded to the police and crime commissioner, the secondment is to have effect, after that time, as a secondment to the Combined Authority.

Continuity

38.—(1) The abolition of the police and crime commissioner, the transfer or abolition of the commissioner's functions, and the transfer of the commissioner's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Order from the commissioner to the Combined Authority.

(3) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the commissioner immediately before 10th May 2021.

(4) Anything which—

- (a) was made or done by or in relation to the commissioner for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 10th May 2021,

has effect as if made or done by or in relation to the Combined Authority.

(5) The Combined Authority is to be substituted for the commissioner in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and

(91) [2011 c. 13](#). Section 18 makes provision to permit (with certain restrictions) the delegation of functions by a police and crime commissioner to the deputy police and crime commissioner and to other persons. Section 18 has been amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act [2011 \(c. 20\)](#); and by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act [2014 \(c. 2\)](#).

(b) are made or commenced before 10th May 2021.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Foreign property etc, perfection of vesting

39.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999⁽⁹²⁾ (foreign property, rights and liabilities: perfection of vesting) apply to the transfer by this Order of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Order; and
- (b) references to the transferor and the transferee are to be construed accordingly.

Transfers: supplementary provision

40.—(1) All property, rights and liabilities transferred by this Order are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article—

“relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument.

Extension of financial year of Police and Crime Commissioner and Chief Constable for West Yorkshire

41.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014⁽⁹³⁾ for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the police and crime commissioner and chief constable for the financial year which began on 1st April 2020 to require—

⁽⁹²⁾ 1999 c. 29.

⁽⁹³⁾ 2014 c. 2.

(a) the police and crime commissioner, or after the transfer made by this Order, the Combined Authority in respect of the police and crime commissioner's accounts; and

(b) the chief constable;

to prepare a statement of accounts from that date for the period which ends on 9th May 2021.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015⁽⁹⁴⁾ ("the Regulations") concerning the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the Regulations, is modified in the case of the police and crime commissioner and the chief constable for the financial year which began on 1st April 2020 so as to require the relevant responsible financial officer to ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of the Regulations begins on 19th July 2021.

(3) In this article—

"the chief constable" means the chief constable of the police force for West Yorkshire;

"the relevant responsible financial officer" means—

(a) in relation to the police and crime commissioner, the responsible financial officer for the Combined Authority; and

(b) in relation to the chief constable, the responsible financial officer for the police force for West Yorkshire;

"responsible financial officer" has the same meaning as in regulation 2(2) of the Regulations.

Modifications to the Local Government Act 1972

42.—(1) Section 86 of the Local Government Act 1972⁽⁹⁵⁾ applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

"or

(d) ceases to be the Mayor by virtue of section 63 of the 2011 Act;"

PART 11

Amendment of the 2014 Order

Amendment of the 2014 Order

43. Article 5 of the 2014 Order is omitted.

44. For Schedule 1 to the 2014 Order substitute the Schedule in Schedule 7 to this Order.

⁽⁹⁴⁾ [S.I. 2015/234](#).

⁽⁹⁵⁾ [1972 c. 70](#). Section 86(2) was amended by section 59 of, and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act [2015 \(c. 20\)](#). There are other amendments, but none is relevant.

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

Date

Name
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government