
DRAFT STATUTORY INSTRUMENTS

2024 No.

The North East Mayoral Combined Authority
(Establishment and Functions) Order 2024

PART 3

Transfer of Functions, Property, Rights,
Assets and Liabilities and associated provision

Transfer of property, assets, rights and liabilities

7. All property, rights, assets and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights, assets and liabilities of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority are to transfer to, and by virtue of this article vest in, the Combined Authority on 7th May 2024.

Transfer of functions

8. Subject to article 12 (pension liabilities), any function of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority which is not otherwise conferred on the Combined Authority by any other provision in this Order is conferred on the Combined Authority by this article.

Continuity provision

9.—(1) Nothing in this Order affects the validity of anything done before 7th May 2024 by or in relation to—

- (a) the ITA with respect to the functions, property, rights and liabilities transferred under article 6 of the 2014 Order and article 7(1)(a) of the 2018 Order;
 - (b) Durham County Council and Northumberland County Council with respect to the functions transferred under article 8 of the 2014 Order;
 - (c) Durham County Council and Northumberland County Council with respect to the functions transferred under article 7(1)(b) and (c) of the 2018 Order;
 - (d) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority with respect to functions exercised in relation to the Combined Area; and
 - (e) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority with respect to functions exercised in relation to the Combined Area.
- (2) Anything (including legal proceedings) which—
- (a) is in the process of being done by or in relation to the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority immediately before 7th May 2024;

- (b) relates to any functions of either of those Authorities exercised in relation to the Combined Area including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order; and
 - (c) relates to the property, rights, assets and liabilities transferred by article 7,
- may be continued by the Combined Authority.

(3) Anything which—

- (a) is in effect immediately before 7th May 2024; and
- (b) was made or done by or in relation to the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority for the purposes of or otherwise in connection with any functions exercised in relation to the Combined Area, including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order,

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

(4) The Combined Authority is to be substituted for the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and for the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before 7th May 2024; and
- (b) relate to any of the functions exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority in relation to the Combined Area, including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order.

(5) Anything (including legal proceedings) which is in the process of being done by or in relation to a relevant body immediately before 7th May 2024 and which relates to the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order, may be continued by the Combined Authority.

(6) The Combined Authority is to be substituted for a relevant body in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before the coming into force of this Part; and
- (b) relate to any of the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order.

(7) For the purposes of this article, a relevant body is—

- (a) the ITA;
- (b) Durham County Council;
- (c) Northumberland County Council;
- (d) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;
- (e) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

(8) A reference in this article to anything made or done by or in relation to a relevant body includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to that body.

Extension of financial year of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority

10.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014⁽¹⁾ for a relevant authority to prepare a statement of accounts for each financial year is modified in the case of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority as set out in paragraph (2).

(2) In relation to the financial year beginning with 1st April 2023, the Combined Authority is to prepare a statement of accounts for each of the authorities mentioned in paragraph (1) as though that financial year were to end with 7th May 2024.

Statutory Officers

11.—(1) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Chief Finance Officer, such person having had responsibility for the proper administration of its financial affairs within the meaning of section 73 of the Local Government Act 1985 (financial administration)⁽²⁾, in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Chief Finance Officer.

(2) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Head of Paid Service, within the meaning of section 4 of the 1989 Act (designation and reports of head of paid service), in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Head of Paid Service.

(3) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Monitoring Officer, within the meaning given in section 5 of the 1989 Act (designation and reports of monitoring officer), in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Monitoring Officer.

(4) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Scrutiny Officer, within the meaning of section 9FB of the Local Government Act 2000 (scrutiny officers)⁽³⁾, in the Durham, Gateshead, South Tyneside and Sunderland Combined Authority, to be its Scrutiny Officer.

(5) In the event that any of the posts listed in paragraph (1) or (4) lies vacant immediately before, or on, 7th May 2024, the Combined Authority must as soon as reasonably practicable designate a new person to that post.

Pension liabilities

12. The Combined Authority is the scheme employer for the purposes of the Local Government Pension Scheme Regulations 2013⁽⁴⁾ in place of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority, or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority and is to be responsible for meeting the liabilities of the Tyne and Wear Pension Fund in respect of benefits due to, or in respect of, the ITA's former employees, or any liabilities of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

(1) 2014 c. 2.

(2) 1985 c. 51.

(3) 2000 c. 22; section 9FB was inserted by paragraph 1 of Schedule 2 to the 2011 Act.

(4) S.I. 2013/2356.