
STATUTORY INSTRUMENTS

2008 No. 3112

**LOCAL GOVERNMENT, ENGLAND
TRANSPORT**

**The Local Authorities (Elected
Mayors) (England) Regulations 2008**

Made - - - - *3rd December 2008*
Laid before Parliament *9th December 2008*
Coming into force - - *31st December 2008*

The Secretary of State for Transport, in exercise of the powers conferred by section 39(5B) of the Local Government Act 2000(1), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Elected Mayors) (England) Regulations 2008 and shall come into force on 31st December 2008.

(2) These Regulations apply in relation to England only.

Elected mayor to be treated as member of local authority

2. An elected mayor of a local authority is to be treated as a member of the local authority for the purposes of the following enactments –

- (a) section 28(3) of the Local Government Act 1985(2),
- (b) as respects a joint authority which is an Integrated Transport Authority –
 - (i) section 29(1) of and Schedule 10 to the Local Government Act 1985, and
 - (ii) section 31(1) and section 32(1), (3), (4) and (7) of the Local Government Act 1985, and
- (c) sections 79(2)(b) and (c) and 85(1)(b) and (c) of the Local Transport Act 2008(3).

(1) 2000 c.22, section 39(5B) was inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 66.
(2) 1985 c.51, section 28 of and Schedule 10 to that Act were amended by the Local Transport Act 2008, Schedule 4, paragraph 52, and section 29 was amended by the Police and Magistrates' Courts Act 1994 (c.29), Schedule 9, Part 1.
(3) 2008 c. 26

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State for Transport

3rd December 2008

Paul Clark
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 39(5B) of the Local Government Act 2000 (as amended by section 66 of the Local Government and Public Involvement in Health Act 2007) provides for the Secretary of State to make regulations specifying, for the purposes of certain enactments, that an elected mayor of an authority in England is to be treated as a member or councillor of that authority. These Regulations are made under section 39(5B) in relation to enactments relating to Integrated Transport Authorities.

Regulation 2 specifies enactments applying to Integrated Transport Authorities in respect of which an elected mayor is to be treated as a member of a local authority. These are:

Section 28(3) of the Local Government Act 1985 (appointment of members of constituent councils to an Integrated Transport Authority),

Section 29(1) of and Schedule 10 to the Local Government Act 1985 (number of members to be appointed to an Integrated Transport Authority),

Sections 31(1) and section 32(1), (3), (4) and (7) of the Local Government Act 1985 (replacement of members of an Integrated Transport Authority and filling of vacancies),

Sections 79(2)(b) and (c) and 85(1)(b) and (c) of the Local Transport Act 2008 (power to establish new Integrated Transport Authorities and constitutional arrangements of Integrated Transport Authorities).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.