
STATUTORY INSTRUMENTS

2011 No. 908

The Greater Manchester Combined Authority Order 2011

PART 5

Supplementary

Transfer of the Commission for the New Economy etc

15.—(1) The GMCA is to become a member of the Commission for the New Economy Limited and Manchester Investment and Development Agency Service Limited, companies limited by guarantee and registered in England with company numbers 05678007 and 3323710.

(2) The constituent councils are to cease to be members of those companies.

Scheme for transfer of property etc.

16.—(1) Each constituent council must make a scheme for the transfer of its property, rights and liabilities to the GMCA or to the Executive, or to the GMCA and the Executive, as soon as reasonably practicable.

(2) The property, rights and liabilities that are to be the subject of the scheme are those relating to the transport functions of each constituent council delegated to the GMCA by article 8 of this Order.

(3) Any transfers by the scheme are to take effect on such date as may be specified in the scheme.

(4) The requirement in paragraph (1) may be fulfilled by a scheme or schemes made jointly by two or more of the constituent councils.

Continuity

17.—(1) None of the following, that is to say—

(a) anything in article 6 or 7;

(b) the transfer or delegation, by this Order or a scheme made under it, of the functions, property, rights or liabilities of the ITA or of a constituent council to the GMCA or the Executive,

affects the validity of anything done by or in relation to the ITA or the constituent council before the date on which the transfer or delegation takes effect.

(2) There may be continued by or in relation to the GMCA or the Executive anything (including legal proceedings) which—

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

(b) is in process of being done by or in relation to the ITA or constituent council immediately before the transfer or delegation takes effect.

(3) Anything which—

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- (a) was made or done by or in relation to the ITA or constituent council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred or delegated; and
 - (b) is in effect immediately before the transfer or delegation takes effect,
- has effect as if made or done by or in relation to the GMCA or the Executive.
- (4) The GMCA or the Executive shall be substituted for the ITA or the constituent councils in any instruments, contracts or legal proceedings which—
- (a) relate to any of the functions, property, rights or liabilities transferred or delegated; and
 - (b) are made or commenced before the transfer or delegation takes effect.
- (5) A reference in this article to anything made or done by or in relation to the ITA or a constituent council 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 the ITA or constituent council.
- (6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988(1) and in accordance with the Transport Levying Bodies Regulations 1992(2) to the constituent councils in respect of the financial year beginning 1st April 2011 is to have effect for that year as if it had been so issued by the GMCA.

(1) 1988 c. 41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72, the Greater London Authority Act 1999 (c. 29), section 105(2), the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a), the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68(2), the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1, paragraph 16, the Local Democracy, Economic Development and Construction Act 2009, Schedule 6, paragraph 75 and by S.I. 1994/2825,

(2) S.I. 1992/2789.