
STATUTORY INSTRUMENTS

2016 No. 653

The West Midlands Combined Authority Order 2016

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the West Midlands Combined Authority Order 2016.

(2) This article and articles 2 and 6 (1) and (2) shall come into force on either—

(a) 1st June 2016, or

(b) if the Order is made on or after 1st June 2016, on the day after the day on which the Order is made,

and the other provisions of this Order shall come into force immediately afterwards.

Interpretation

2. In this Order—

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

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

“the Combined Authority” means the West Midlands Combined Authority as constituted by article 3;

“the commencement date” means the date on which this Order comes into force;

“constituent councils” means the councils for the local government areas of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton;

“enactment” includes subordinate legislation;

“the Executive” has the meaning given by article 6(1);

“financial year” means the period of 12 months ending with 31st March in any year;

“the ITA” means the West Midlands Integrated Transport Authority;

“Local Enterprise Partnership” means the board of—

(a) the Black Country Local Enterprise Partnership,

(b) Greater Birmingham and Solihull Local Enterprise Partnership, or

(c) Coventry and Warwickshire Local Enterprise Partnership; and

“non-constituent council” means the councils for the local government areas of Cannock Chase, Nuneaton and Bedworth, Redditch, Tamworth and Telford and Wrekin.

PART 2

Establishment of a combined authority for West Midlands

Establishment

- 3.—(1) There is established a combined authority for the combined area.
- (2) The combined authority is to be a body corporate and is to be known as the West Midlands Combined Authority.
- (3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Funding

- 5.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of the functions mentioned in article 10 (economic development and regeneration).
- (2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Statistics Board⁽¹⁾.
- (3) For the purposes of paragraph (2) 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 current financial year.

PART 3

Transport

Passenger Transport Executive

- 6.—(1) In this Order “the Executive” means the West Midlands Passenger Transport Executive established by the West Midlands Passenger Transport Area (Designation) Order 1969⁽²⁾.
- (2) The Executive shall be dissolved and all the functions, property, rights and liabilities of the Executive shall be transferred to the ITA.
- (3) Subject to article 8(4) and Schedule 2 and to the following provisions of this article, any reference in any enactment (whenever passed or made) to a passenger transport executive is to be treated, in its application to the combined area, as if it were to the Combined Authority.
- (4) Paragraph (3) does not apply to the following enactments—

(1) Section 25 of the Statistics and Registration Service Act 2007 provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (annual abstract of number of births, deaths and marriages).

(2) [S.I. 1969/97](#).

- (a) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000(3);
 - (b) Schedule 2 to the Local Government Act 1988(4);
 - (c) section 33 of the Railways Act 2005(5);
 - (d) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985; and
 - (e) section 162(4) of the Transport Act 2000(6).
- (5) The West Midlands Passenger Transport Area (Designation) Order 1969 is revoked.

Abolition and transfer of functions

- 7.—(1) The West Midlands integrated transport area is dissolved and the ITA is abolished.
- (2) On the abolition of the ITA—
- (a) its functions, and
 - (b) its property, rights and liabilities,
- are transferred to the Combined Authority.

Adaptation of enactments

- 8.—(1) This article has effect in consequence of article 7.
- (2) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport area, or
 - (b) any reference which falls to be read as a reference to such an area,
- is to be treated as including a reference to the combined area.
- (3) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport authority, or
 - (b) any reference which falls to be read as a reference to such an authority,
- is to be treated as including a reference to the Combined Authority.
- (4) Paragraphs (2) and (3) do not apply to Part 2 of the Transport Act 1968(7) which is amended in accordance with Schedule 2.

Continuity

- 9.—(1) Nothing in article 6, 7 or 8 affects the validity of anything done by or in relation to the ITA or the Executive before the commencement date.
- (2) 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 to the Combined Authority; and
 - (b) is in process of being done by or in relation to the ITA or the Executive immediately before the commencement date.
- (3) Anything which—

(3) 2000 c. 36. Paragraph 8 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008.

(4) 1988 c. 9.

(5) 2005 c. 14.

(6) 2000 c. 38. Section 162 was amended by sections 15(6), 26(9), 27(2), 40(2), 77(5) and 131 of, and paragraphs 41, 46(1), (2) (a) and (2)(c) of Part 3 of Schedule 4 to, and Part 2 of Schedule 7 to, the Local Transport Act 2008.

(7) 1968 c. 73.

- (a) was made or done by or in relation to the ITA or the Executive 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 the transfer takes effect,

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

(4) The Combined Authority shall be substituted for the ITA or, where appropriate, the Executive, in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred, and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or the Executive 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 the Executive.

(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(8) and in accordance with the Transport Levying Bodies Regulations 1992(9) to the constituent councils in respect of the financial year beginning 1st April 2016 is to have effect for that year as if it had been so issued by the Combined Authority.

PART 4

Additional functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 are exercisable by the Combined Authority in relation to its area.

(2) The functions are 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.

Incidental provisions

11. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 142(2) of the Local Government Act 1972(10) (power to arrange for publication of information etc. relating to the functions of the authority); and
- (b) section 222 of the Local Government Act 1972(11) (power to prosecute and defend legal proceedings).

(8) Section 74 was amended by paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); paragraph 21 of Schedule 60 to the Local Government (Wales) Act 1994 (c. 19); Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); paragraphs 1 and 2 of Schedule 7 to the Police Reform and Social Responsibility Act 2011 (c. 13); paragraph 182(a) of Schedule 16 to the Localism Act 2011 (c. 20); section 9(1) (a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); and by S.I. 1994/2825.

(9) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(10) Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.

(11) To which there are amendments not relevant to this instrument.

12.—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(**12**) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to “that area” were a reference to the combined area.

13. Section 13 of the Local Government and Housing Act 1989(**13**) (voting rights of members of certain committees) has effect as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(ha) subject to subsection (4ZA), a committee appointed by the West Midlands Combined Authority;”;

(b) after subsection (4) there were inserted—

“(4ZA) A person who is a member of a committee falling within paragraph (ha) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person—

(a) is a member of one of the constituent councils as defined by article 2 of the West Midlands Combined Authority Order 2016; or

(b) is given voting rights by resolution of the West Midlands Combined Authority in accordance with paragraph 4(4) of Schedule 1 to that Order.”.

14. Regulation 64 of the Local Government Pension Scheme Regulations 2013(**14**) (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

“(8A) Paragraph (8B) applies where the existing employer is the West Midlands Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the West Midlands Combined Authority as a result of the establishment of the combined authority by article 3(1) of the West Midlands Combined Authority Order 2016.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

15.—(1) The Local Government Pension Scheme Regulations 2013 is amended as follows.

(2) In paragraph 1(z) of Part 1 of Schedule 3 (pension funds) for “West Midlands Integrated Transport Authority” substitute “West Midlands Combined Authority”.

(3) In Part 2 of Schedule 3 in the table insert at the end—

(12) 1985 c. 51.

(13) 1989 c. 42. Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158. by the Public Service Pensions Act 2013 (c. 25) Schedule 8 paragraph 15; by S.I. 2001/1517; and by S.I. 2010/1158.

(14) S.I.2013/2356, amended by S.I. 2014/1146 and S.I. 2015/755.

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

“An employee of the West Midlands Combined Wolverhampton City Council”
Authority established by the West Midlands
Combined Authority Order 2016

Signed by the Secretary of State for Communities and Local Government

Greg Clark
Secretary of State
Department for Communities and Local
Government

16th June 2016