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STATUTORY INSTRUMENTS

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**2017 No. 251**

**The Cambridgeshire and Peterborough  
Combined Authority Order 2017**

**PART 3**

**Transport**

**Power to pay grant**

7.—(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) These functions are exercisable—

- (a) concurrently with a Minister of the Crown; and
- (b) only for the purpose of paying grant to an upper-tier authority.

(3) Paragraph (4) applies where, in exercising the functions referred to in paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by an upper-tier authority 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 upper-tier authority has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account—

- (a) any other sources of funding available to the upper-tier authority for expenditure incurred or to be incurred in relation to the exercise of its highway functions; and
- (b) the most recent determination by the Secretary of State of an amount of grant paid to the upper-tier authority for those purposes.

(6) For the purposes of the exercise of the functions of the Combined Authority referred to in paragraph (1), 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 an upper-tier authority;
- (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.

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**Status:** This is the original version (as it was originally made).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

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(7) In this article “highway functions” means the functions exercisable by an upper tier authority (in whatever capacity) in relation to the highways for which they are the highway authority<sup>(1)</sup>.

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<sup>(1)</sup> Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.