
STATUTORY INSTRUMENTS

2018 No. 1133

The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018

PART 6

Additional functions

Education, skills and training functions

18.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the combined area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)(1);
- (b) sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(2);
- (c) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(3);
- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(4);
- (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(5);
- (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(6);
- (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(7);

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- (1) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).
 - (2) Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 45 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and by [S.I. 2010/1158](#). Section 15ZA was amended by paragraph 5 of Schedule 3 to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by [S.I. 2015/1852](#). Section 15ZC was amended by [S.I. 2015/1852](#). Section 17A was also amended by sections 30 and 82 of the Education Act 2011 and paragraph 16 of Schedule 2 to [SI 2010/1158](#). Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3 to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3 to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3 to the Children and Families Act 2014.
 - (3) Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).
 - (4) Section 10 was amended by [S.I. 2010/1158](#).
 - (5) Section 12 was amended by [S.I. 2010/1158](#).
 - (6) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by [S.I. 2010/1158](#).
 - (7) Section 70 was amended by section 28 of the Education Act 2011 and by [S.I. 2010/1158](#).

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- (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(8); and
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(9).

(3) The functions are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Commencement Information

11 Art. 18 in force at 2.11.2018, see [art. 1](#)

Other functions

19.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2) are exercisable by the Combined Authority in relation to the combined area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)(10);
- (b) section 145 of the Local Government Act 1972 (provision of entertainments)(11); and
- (c) section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

(3) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(4) 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.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Commencement Information

12 Art. 19 in force at 2.11.2018, see [art. 1](#)

Incidental provisions

20.—(1) The provisions set out in paragraph (2) have effect as if the Combined Authority were a local authority for the purposes of those provisions.

(2) The provisions referred to in paragraph (1) are—

(8) Section 71 was amended by section 28 of the Education Act 2011.

(9) Section 85 was amended by [S.I. 2010/1158](#).

(10) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985. There are other amendments which are not relevant to this instrument.

(11) Section 145 was amended by section 198 of, and paragraph 59 of Schedule 6 to, the Licensing Act 2003 (c. 17).

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- (a) section 113 of the Local Government Act 1972 (placing staff at the disposal of other local authorities)(**12**);
- (b) section 142(2) of the Local Government Act 1972 (power to arrange for publication of information etc relating to the functions of the authority)(**13**); and
- (c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(**14**).

(3) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(**15**) whether or not a scheme is made under that section.

(4) For the purposes of paragraph (3) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 has effect as if a reference to “that area” were a reference to the combined area.

21.—(1) Section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees: England and Wales)(**16**) has effect as if—

- (a) in subsection (4), after paragraph (e) there were inserted—
 - “(ea) subject to subsection (4A), a committee appointed by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;”;
- (b) after subsection (4) there were inserted—
 - “(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee must for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”.

22.—(1) Column 1 of the table in Part 2 of Schedule 3 (appropriate administering authority) to the Local Government Pension Scheme Regulations 2013(**17**) is amended in accordance with paragraph (2).

(2) For “an employee of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014” substitute—

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- (12) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.
 - (13) Section 142 was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.
 - (14) To which there are amendments not relevant to this instrument.
 - (15) 1985 c. 51. Section 88 was amended by section 396 of the 1999 Act.
 - (16) 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; 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 2009 Act; 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; by section 7 of the Policing and Crime Act 2017; and by S.I. 2010/1158.
 - (17) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

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“An employee of the following combined authorities—

- (a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014; and
- (b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”

23.—(1) The Transport Levying Bodies Regulations 1992(**18**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) insert after the definition of the “1992 Act”—

““the 2014 Order” means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014;

“the 2018 Order” means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;”

(b) in the definition of “combined authority”—

(aa) omit “or” before “(ah)”;;

(bb) after “(ah)” insert “or (ai)”.

(3) In regulation 3 (application)—

(i) in sub-paragraph (ae), for “the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority”, substitute “the Durham, Gateshead, South Tyneside and Sunderland Combined Authority”;

(ii) after sub-paragraph (ah) insert—

“(ai) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”

(4) after regulation 7(4)(ad) (apportionment of levies) insert—

“(ae) in the case of levies to be issued by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority pursuant to article 27(5), in accordance with regulation 7B.”.

(5) for regulation 7B substitute—

“Calculation and apportionment of levies issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority

7B.—(1) The amounts of the levies to be issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (“the Authorities”) under article 5(3) of the 2014 Order and article 27(5) of the 2018 Order to their constituent councils for the financial year 2019 to 2020, or any subsequent financial year, are to be determined by the joint transport committee in accordance with the following provisions of this regulation.

(18) S.I. 1992/2789. Regulation 3 was amended by S.I. 2012/213, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Reg 7 was amended by S.I. 2012/213, S.I. 2012/2914, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Regulation 7B was inserted by S.I. 2015/27.

(2) The joint transport committee must apportion the estimated relevant expenditure of the Authorities for the financial year in question between—

- (a) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities’ functions in relation to the county of Tyne and Wear (“the Tyne and Wear component”);
- (b) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities’ functions in relation to the county of Durham (the Durham component); and
- (c) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities’ functions in relation to the county of Northumberland (“the Northumberland component”).

(3) The Tyne and Wear component must be met by means of the levy issued to—

- (a) the councils for the local government areas of Gateshead, South Tyneside and Sunderland by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under article 5(3)(a) of the 2014 Order; and
- (b) the councils for the local government areas of Newcastle Upon Tyne and North Tyneside by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority under article 27(5)(a) and (b) of the 2018 Order.

(4) The Durham component must be met by means of the levy issued to Durham County Council under article 5(3)(b) of the 2014 Order.

(5) The Northumberland component must be met by means of the levy issued to Northumberland County Council under article 27(5)(c) of the 2018 Order.

(6) Where, in respect of any financial year, the joint transport committee estimates that the apportionment of the actual expenditure of the Authorities between the Tyne and Wear, Durham and Northumberland components will differ from that estimated under paragraph (2), the joint transport committee must make appropriate adjustments to its estimates under paragraph (2) for the following financial year.

(7) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies referred to in paragraph (3) to (5) reflect the actual expenditure of the Authorities on the Tyne and Wear, Durham and Northumberland components.

(8) The proportions in which the levy issued to the councils under paragraph (3) is to be shared among those councils are to be determined in the same way as proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.

(9) In this regulation, “joint transport committee” means the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”.

24.—(1) The Sub-National Transport Body (Transport for the North) Regulations 2018(19) are amended as follows.

(2) In the definition of “constituent authorities” in regulation 2—

- (i) for “the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority” substitute “the Durham, Gateshead, South Tyneside and Sunderland Combined Authority”;
- (ii) after “North Lincolnshire Borough Council” insert “Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority”.

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Commencement Information

- I3** Art. 20 in force at 2.11.2018, see [art. 1](#)
- I4** Art. 21 in force at 2.11.2018, see [art. 1](#)
- I5** Art. 22 in force at 2.11.2018, see [art. 1](#)
- I6** Art. 23 in force at 2.11.2018, see [art. 1](#)
- I7** Art. 24 in force at 2.11.2018, see [art. 1](#)

Data sharing

25.—(1) The functions of the constituent councils described in section 17A (sharing of information) of the Crime and Disorder Act 1998⁽²⁰⁾ are exercisable by the Combined Authority in relation to the combined area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998⁽²¹⁾.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

Commencement Information

- I8** Art. 25 in force at 2.11.2018, see [art. 1](#)

⁽²⁰⁾ 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

⁽²¹⁾ Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); section s 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; and by S.I. 2000/90, S.I. 2002/2469, S.I 2007/961, S.I 2008/912, S.I. 2010/866 and S.I. 2013/602.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2024/402 art. 3\(4\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 5(3A)(4A) substituted for art. 5(3)-(5) by [S.I. 2024/402 art. 13\(2\)](#)