

SCHEDULE 1

Article 4

Constitution of the Combined Authority

Membership

1.—(1) Each constituent council must appoint two of its elected members to be a member of the Combined Authority.

(2) Each constituent council must appoint two other elected members to act as a member of the Combined Authority in the absence of a member appointed under sub-paragraph (1) (“substitute member”).

(3) The Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(4) The Local Enterprise Partnership must nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) (“the Local Enterprise Partnership Substitute Member”).

(5) The Combined Authority must appoint a member nominated by the Local Enterprise Partnership as a member of the Combined Authority (“Local Enterprise Partnership Member”).

(6) The Combined Authority must appoint another member nominated by the Local Enterprise Partnership to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) (“the substitute member”).

(7) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member.

(8) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of—

- (a) the constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them.

(9) A person may resign as a member or substitute member of the Combined Authority, as the case may be, by written notice served on—

- (a) the proper officer of the constituent council that appointed them; or
- (b) the chairman or vice-chairman of the Local Enterprise Partnership that nominated them,

and the resignation will take effect on receipt of the notice by the proper officer of the council or chairman or vice-chairman of the Local Enterprise Partnership (as the case may be).

(10) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (8) or (9)—

- (a) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place; or
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place.

(11) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another one of its elected members in that person’s place.

(12) Where a constituent council terminates an appointment under sub-paragraph (11), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment will take effect and the previous appointment

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terminate at the end of the period of one week beginning with the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(13) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person's place.

(14) Where the Local Enterprise Partnership terminates an appointment under sub-paragraph (13), it will give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(15) The Combined Authority must appoint a member nominated under sub-paragraph (14) and the new appointment will take effect and the previous appointment terminate at the end of the period of one week beginning with the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(16) The Combined Authority must appoint a member nominated under sub-paragraph (10)(b) or sub-paragraph (14) at the next meeting of the Combined Authority.

(17) For the purposes of this paragraph, an elected mayor of a constituent council is to be treated as a member of the constituent council.

Commencement Information

II Sch. 1 para. 1 in force at 2.11.2018, see [art. 1](#)

Interim Mayor

2.—(1) The Combined Authority must appoint an additional member of the Combined Authority, to be known as Interim Mayor, in addition to the members appointed under paragraph 1 of this Schedule.

(2) A person who—

- (a) is resident in the area of any one of the constituent councils;
- (b) is—
 - (i) an elected member of a constituent council;
 - (ii) an elected mayor of a constituent council;
 - (iii) the Northumbria Police and Crime Commissioner; or
 - (iv) a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the area of the Combined Authority; and
- (c) holds such elected office referred to in paragraph (b) at the date of application for the position of Interim Mayor and on the date of appointment,

is eligible for appointment as Interim Mayor.

(3) A person may only be appointed as Interim Mayor if—

- (a) the person is eligible to be appointed under sub-paragraph (2);
- (b) the person has submitted an application in accordance with any application procedure and timetable determined by the Combined Authority;
- (c) the person has been nominated by at least one member of the Combined Authority in accordance with any application procedure and timetable determined by the Combined Authority following consideration by the Combined Authority of all applications for the office; and

- (d) the appointment has been approved by the Combined Authority by a simple majority at a meeting of the Combined Authority following a vote of its members.
- (4) The Interim Mayor must cease to hold office on 6th May 2019.
- (5) A person may resign as Interim Mayor by written notice served on the proper officer of the Combined Authority and the resignation will take effect on receipt of the notice by the proper officer.
- (6) The Combined Authority may terminate the appointment of the Interim Mayor, provided that the voting members vote in favour of a resolution to terminate such appointment at a meeting of the Combined Authority.
- (7) In sub-paragraph (6) the “voting members” are the persons referred to in sub-paragraph 4(3) (a) and (b).
- (8) Where a person ceases to be an Interim Mayor by virtue of sub-paragraph (5) or (6), the Combined Authority may appoint a further Interim Mayor in accordance with this paragraph.
- (9) Where the person appointed as Interim Mayor is member of a constituent council of the Combined Authority, the Interim Mayor will cease to be treated as a member under sub-paragraph (1) of paragraph 1 and the constituent council must appoint another of its elected members to be a member of the Combined Authority under that sub-paragraph.

Commencement Information

I2 Sch. 1 para. 2 in force at 2.11.2018, see [art. 1](#)

Chair and vice chair(s)—Interim Mayor

- 3.—(1)** The Combined Authority must appoint a person from among its members to act as chair until an Interim Mayor is appointed.
- (2) The appointment of a chair is to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.
- (3) A person ceases to be chair of the Combined Authority if they cease to be a member of the Combined Authority.
- (4) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.
- (5) Where the Combined Authority has appointed an Interim Mayor—
- (a) the Interim Mayor becomes the chair of the Combined Authority;
 - (b) the Combined Authority may appoint one or more vice-chairs from among its members; and
 - (c) the appointment of any vice-chair under paragraph (b) must take place as the first item of business of the first meeting of the Combined Authority following the appointment of the Interim Mayor.
- (6) If a vacancy arises in the office of Interim Mayor, the Combined Authority—
- (a) may appoint a vice-chair as acting Interim Mayor to exercise the functions of Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and
 - (b) must commence the appointment process referred to in paragraph 2 to fill the vacancy at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

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Commencement Information

I3 Sch. 1 para. 3 in force at 2.11.2018, see [art. 1](#)

Proceedings

4.—(1) Only one of the members appointed by each constituent council has voting rights (“the voting member”).

(2) The other member appointed by each constituent council is to be a non-voting member but may exercise a voting right if the voting member is absent or agrees the non-voting member should exercise their voting right at a meeting (“the non-voting member”).

(3) Each of the following persons has one vote—

- (a) the voting member or the non-voting member acting in that member’s place;
- (b) where both the voting member and the non-voting member are absent, a substitute member acting in the voting member’s place;
- (c) the Mayor or deputy mayor acting in place of the Mayor;
- (d) subject to sub-paragraph (4), an Interim Mayor, other than an acting Interim Mayor;
- (e) a member appointed from a Local Enterprise Partnership who has been given voting rights by resolution of the Combined Authority or a substitute member acting in that member’s place,

and no member or substitute member is to have a casting vote.

(4) If an Interim Mayor is not an elected member of a constituent council the Interim Mayor is to be a non-voting member of the Combined Authority.

(5) A member or substitute member nominated by the Local Enterprise Partnership is to be a non-voting member of the Combined Authority but may be given voting rights by resolution of the Combined Authority.

(6) No business is to be transacted at a meeting of the Combined Authority unless the persons referred to in sub-paragraph (3)(a) to (d) are present at the meeting.

(7) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the relevant members of the authority present and voting on that question.

(8) A decision on a question relating to any allowance payable to the Mayor or Interim Mayor under sub-paragraph 5(3) is to be decided by a majority of the relevant members of the authority excluding the Mayor, deputy Mayor or an Interim Mayor.

(9) If a vote is tied on any matter it is deemed not to have been carried.

(10) A decision on a question relating to the matters set out in sub-paragraph (11) requires both—

- (a) a vote in favour by a majority of relevant members present and voting on that question; and
- (b) a unanimous vote in favour by the persons referred to in sub-paragraph (3)(a) and (b), present and voting on that question at a meeting of the Combined Authority at which all relevant members are present.

(11) The matters referred to in sub-paragraph (10) are—

- (a) the adoption of any strategic growth plan as provided for in the Combined Authority’s standing orders or the alteration, withdrawal or replacement of that plan;
- (b) the approval of growth schemes set out in any strategic growth plan, or the alteration, withdrawal or replacement of that plan;

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- (c) the approval of the Combined Authority’s annual budget excluding any spending plans related to the functions conferred on the Mayor under article 26 or the functions conferred on the joint transport committee under article 9(1);
- (d) the approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority or the alteration, withdrawal or replacement of those limits or that strategy;
- (e) the approval of such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders excluding any plans or strategies related to the functions conferred on the joint transport committee under article 9(1); and
- (f) the approval of the Combined Authority’s constitution and standing orders and any amendments.

(12) Where the Mayor votes against a decision of the Combined Authority which is carried under sub-paragraph (7) or (10), the Mayor may seek a review of the decision by making an application to the authority’s monitoring officer within 24 hours of the decision being taken.

(13) Where an application for review is made in accordance with sub-paragraph (12), the Combined Authority must reconsider the decision and a further vote must be held on the question under consideration in accordance with sub-paragraph (7) or (10), as appropriate.

(14) The Combined Authority must publish the reasons for any decision taken following a further vote on a question under sub-paragraph (13).

(15) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

(16) The provisions in this Schedule relating to the Mayor, deputy Mayor or Interim Mayor only have effect where the Mayor, deputy Mayor, or Interim Mayor, as the case may be, is in office.

(17) In this paragraph—

- (a) “relevant members” are the persons referred to in sub-paragraph (3).
- (b) “monitoring officer” means the officer designated by the Combined Authority under section 5(1) of the 1989 Act.

Commencement Information

I4 Sch. 1 para. 4 in force at 2.11.2018, see [art. 1](#)

Remuneration

5.—(1) Subject to sub-paragraph (3), no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

(2) A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.

(3) The Combined Authority may pay an allowance to the Mayor or Interim Mayor if—

- (a) the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members’ Allowances) (England) Regulations 2003(1) which contains recommendations for such an allowance; and

(1) [S.I. 2003/1021](#).

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- (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

Commencement Information

I5 Sch. 1 para. 5 in force at 2.11.2018, see [art. 1](#)

Committees—functions exercisable by the Combined Authority other than the functions conferred by Part 3

6.—(1) This paragraph applies to the functions exercisable by the Combined Authority other than the functions conferred by Part 3.

(2) The Combined Authority must appoint at least three members of each of the constituent councils to be members of the authority’s overview and scrutiny committee⁽²⁾.

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any substitute member of the Combined Authority.

(4) The Combined Authority must appoint an appropriate person to be the chair of the overview and scrutiny committee appointed by the Combined Authority.

(5) The Combined Authority must appoint at least three members of each of the constituent councils and at least one independent person to be members of the authority’s audit committee.

Commencement Information

I6 Sch. 1 para. 6 in force at 2.11.2018, see [art. 1](#)

Records

7.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at the meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

(2) Paragraphs 1(1) and 4(1) of Schedule 5A to the 2009 Act require a combined authority to arrange for the appointment of one or more overview and scrutiny committees and for the appointment of an audit committee.

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Commencement Information

I7 Sch. 1 para. 7 in force at 2.11.2018, see [art. 1](#)

Standing orders

8. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Commencement Information

I8 Sch. 1 para. 8 in force at 2.11.2018, see [art. 1](#)

SCHEDULE 2

Article 8

Constitution of joint transport committee

Membership of joint transport committee

1.—(1) The Combined Authority must appoint—

- (a) three members of the joint transport committee in accordance with sub-paragraphs (2) and (3); and
- (b) three members to act as members of the joint transport committee in the absence of the members appointed under sub-paragraph (a) (“substitute committee member”).

(2) One of the members appointed by the Combined Authority must be the Mayor, unless the Mayor agrees otherwise.

(3) The members appointed by the Combined Authority must be members or substitute members of that authority excluding the Local Enterprise Partnership Member appointed under paragraph 1(5) of Schedule 1.

(4) The Durham, Gateshead, South Tyneside and Sunderland Combined Authority must appoint—

- (a) four members of the joint transport committee in accordance with sub-paragraph (5); and
- (b) four members to act as members of the joint transport committee in the absence of the members appointed under sub-paragraph (a) (“substitute committee member”).

(5) The members appointed by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority must be members or substitute members of that authority excluding the Local Enterprise Partnership Member appointed under paragraph 1(5) of Schedule 1 to the 2014 Order.

(6) In this paragraph “substitute members” means the substitute members of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order or paragraph 1(2) of Schedule 1 of this Order.

Commencement Information

I9 Sch. 2 para. 1 in force at 2.11.2018, see [art. 1](#)

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Chair and vice-chair of the joint transport committee

2.—(1) The joint transport committee must in each year appoint a chair from among its members and the appointment is to be the first business transacted after the appointment of members of the joint transport committee, at the first meeting of the joint transport committee, and in subsequent years at the annual meeting of the joint transport committee.

(2) A person ceases to be chair of the joint transport committee if they cease to be a member of the joint transport committee.

(3) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

(4) The joint transport committee must appoint a vice-chair from among its members and the appointment of the vice-chair is to be the first business transacted after the appointment of members of the joint transport committee and the chair of the joint transport committee, at the first meeting of the joint transport committee, and in subsequent years at the annual meeting of the joint transport committee.

(5) A person ceases to be vice-chair of the joint transport committee if they cease to be a member of the joint transport committee.

(6) If a vacancy arises in the office of vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

Commencement Information

I10 Sch. 2 para. 2 in force at 2.11.2018, see [art. 1](#)

Proceedings of joint transport committee

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the joint transport committee are to be decided by a majority of the members and substitute committee members, acting in place of members, present and voting on that question at a meeting of the joint transport committee.

(2) No business may be transacted at a meeting of the joint transport committee unless at least two members or substitute committee members appointed by the Combined Authority and two members or substitute committee members appointed by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority are present.

(3) Each member or substitute committee member acting in that member's place, is to have one vote and no member or substitute committee member is to have a casting vote.

(4) If a vote is tied on any matter it will be deemed not to have been carried.

(5) Questions relating to the following matters require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, to be carried—

- (a) the adoption of any transport plan under section 108(3) of the Transport Act 2000 and the alteration or replacement of that plan under section 109(1) and (2) of that Act;
- (b) approval of, or any amendment to, or withdrawal of, spending plans related to the functions conferred on the joint transport committee under article 9(1);
- (c) setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder;

(d) allocation of local transport plan funding to the individual constituent councils and the Tyne and Wear Passenger Transport Executive; and

(e) the delegation of functions referred to in article 9(2).

(6) For the purpose of this article, “constituent council” means the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

Commencement Information

III Sch. 2 para. 3 in force at 2.11.2018, see [art. 1](#)

Overview and scrutiny committee of the joint transport committee

4.—(1) The joint transport committee must establish a committee as an overview and scrutiny committee of the joint transport committee.

(2) The joint transport committee must appoint at least two members of each of the constituent councils of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority to be members of the overview and scrutiny committee of the joint transport committee.

(3) The joint transport committee must appoint an independent person to be the chair of the overview and scrutiny committee of the joint transport committee or a sub-committee of such a committee.

(4) The overview and scrutiny committee of the joint transport committee must not include any substitute committee member of the joint transport committee.

(5) Schedule 5A to the 2009 Act (combined authorities: overview and scrutiny committees and audit committees) applies in relation to the overview and scrutiny committee of the joint transport committee as if—

(a) the overview and scrutiny committee of the joint transport committee were an overview and scrutiny committee of a combined authority for the purposes of that Schedule;

(b) for paragraph 1(1) there were substituted—

“(1) This Schedule relates to the arrangements made by the joint transport committee under paragraph 4 of Schedule 2 to the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 for the appointment by the joint transport committee of one or more committees of the joint transport committee (referred to in this Schedule as overview and scrutiny committees).”;

(c) in paragraph 1(2)—

(i) for “combined authority’s” there were substituted “joint transport committee’s”;

(ii) for “authority” in each place there were substituted “joint transport committee”;

(iii) in sub-paragraph (c) for “the authority’s area” there were substituted “the area of the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland”;

(d) paragraph 1(3) were omitted;

(e) in paragraph 1(4) “and (3)(a)” were omitted;

(f) in paragraph 1(5) for “a combined authority” there were substituted “the joint transport committee”;

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- (g) in paragraph 1(6) for “combined authority” there were substituted “joint transport committee”;
- (h) in paragraph 1(7)—
 - (i) for “combined authority” there were substituted “joint transport committee”;
 - (ii) after “Schedule” there were inserted “or paragraph 4 of Schedule 2 to the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018”;
- (i) in paragraph 2 for “a combined authority” in each place there were substituted “the joint transport committee”;
- (j) in paragraph 2(3) for “a combined authority may not include a member of the authority (including, in the case of a mayoral combined authority, the mayor for the authority’s area or deputy mayor)” there were substituted “the joint transport committee may not include a member of the joint transport committee”;
- (k) in paragraph 2(6)(a)—
 - (i) for “members or officers of the authority” there were substituted “members or officers of the joint transport committee”;
 - (ii) there were omitted “(including, in the case of a mayoral combined authority, the mayor for the authority’s area and deputy mayor)”.
- (l) paragraph 3 were omitted;
- (m) in paragraph 4(1) for “a combined authority must arrange for the appointment by the authority” there were substituted “the joint transport committee must arrange for the appointment by the committee”;
- (n) in paragraph 4(2)(a) to (c) for “authority’s” there were substituted “joint transport committee’s”;
- (o) in paragraph 4(2)(d) for “combined authority” there were substituted “joint transport committee”; and
- (p) paragraphs 4(3) and (4) were omitted.

Commencement Information

112 Sch. 2 para. 4 in force at 2.11.2018, see [art. 1](#)

5.—(1) The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**3**) is modified in relation to the Combined Authority in accordance with the following sub-paragraphs.

(2) Article 2(1) (interpretation) has effect as if—

- (a) after the definition of “excluded matter” there were inserted—
 - ““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.”;
- (b) for the definition of “member” there were substituted—
 - ““member” in relation to membership of an overview and scrutiny committee of the joint transport committee includes the chair of that overview and scrutiny committee.”.

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- (3) Article 3 (overview and scrutiny committees) has effect as if—
- (a) in paragraph (1) for the reference to “combined authority’s overview and scrutiny committee must be members of that combined authority’s constituent councils” there were substituted “overview and scrutiny committee of the joint transport committee must be members of the constituent councils of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or the Newcastle Upon Tyne, Northumberland and North Tyneside Combined Authority”;
 - (b) in paragraph (4) for the reference to “combined authority” there were substituted “joint transport committee”.
- (4) Article 4 (appointment of members) is to have effect as if for each reference to “combined authority” there were substituted “joint transport committee”.
- (5) Article 5 (appointment of chair) is to have effect as if—
- (a) for paragraph (2) there were substituted—
 - “(2) A person is independent if the person—
 - (a) is not a member, co-opted member or officer of—
 - (i) the joint transport committee;
 - (ii) the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; or
 - (iii) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;
 - (b) is not a member, co-opted member or officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or a parish council for which a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority;
 - (c) is not a relative, or close friend, of a person within paragraph (a) or (b); and
 - (d) was not at any time during the period of five years ending with an appointment as chair of the overview and scrutiny committee under arrangements made by the joint transport committee in accordance with paragraph 3(4)(a) of Schedule 5A to the 2009 Act—
 - (i) a member, co-opted member or officer of the joint transport committee; Durham, Gateshead, Sunderland and South Tyneside Combined Authority; or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or
 - (ii) a member, co-opted member or officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or a parish council for which a constituent council is the principal authority.”; and
 - (b) in paragraph (3), for “combined authority” there were substituted “joint transport committee”;
- (6) Article 6 (reference of matters to overview and scrutiny committees) is to have effect as if—
- (a) for paragraph (1) there were substituted—
 - “(1) The joint transport committee must ensure that it enables—

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- (a) any member of an overview and scrutiny committee to refer to the committee any matter which is relevant to the functions of the committee;
 - (b) any member of a sub-committee of an overview and scrutiny committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee;
 - (c) any member of the joint transport committee to refer to an overview and scrutiny committee any matter which is relevant to the functions of the joint transport committee and is not an excluded matter; and
 - (d) any member of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority to refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.”; and
- (b) in paragraphs (2) and (3) for “combined authority” there were substituted “joint transport committee”.
- (7) Article 7 (duty of combined authority and mayor to respond to overview and scrutiny committee) is to have effect as if—
- (a) for each reference to “a combined authority” there were substituted “the joint transport committee”; and
 - (b) each reference to “or the mayor” were omitted.
- (8) Article 8 (confidential and exempt information) is to have effect as if—
- (a) in paragraph (1)(a)(ii) for “a combined authority or the mayor” there were substituted “the joint transport committee”;
 - (b) in paragraph (1)(b) for “a combined authority or to a member of a constituent council or a non-constituent council, by an overview and scrutiny committee or a combined authority or the mayor” there were substituted “the joint transport committee or to a member of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority, by an overview and scrutiny committee or the joint transport committee”;
 - (c) in paragraph (2) for “combined authority, or the mayor” there were substituted “joint transport committee”;
 - (d) in paragraph (3) for “the combined authority, or the mayor, in providing a copy of a document to a member of the combined authority or to a member of a constituent council or a non-constituent council” there were substituted “the joint transport committee, in providing a copy of a document to a member of the joint transport committee or to a member of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority”;
 - (e) in paragraphs (4) and (5) for “combined authority” there were substituted “joint transport committee”; and
 - (f) in paragraph (6) for “authority” there were substituted “joint transport committee”.
- (9) Article 9 (scrutiny officer) is to have effect as if—
- (a) in paragraphs (1) and (2) for each reference to “a combined authority” there were substituted “the joint transport committee; and
 - (b) for paragraph (3) there were substituted—

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“(3) The joint transport committee may not designate as the scrutiny officer any officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority.”.

(10) Article 10 (additional rights of access to documents for members of overview and scrutiny committees) has effect as if—

- (a) each reference to “or the mayor” were omitted; and
- (b) for each reference to “combined authority” there were substituted “joint transport committee”.

(11) Article 11 (key decisions) is to have effect as if—

- (a) for paragraph (1)(a) there were substituted—
 - “(a) a “key decision” means a decision of a decision maker, which in the view of the overview and scrutiny committee for the joint transport committee is likely—
 - (i) to result in the joint transport committee incurring significant expenditure, or the making of significant savings, having regard to the joint transport committee’s budget for the service or function to which the decision relates; or
 - (ii) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority;”;
- (b) in paragraph (2)(a) for “the responsibility of the combined authority” there were substituted “exercisable by the joint transport committee”; and
- (c) in paragraph (3) for “combined authority” there were substituted “the joint transport committee”.

(12) Articles 12 (general exception) and 13 (cases of special urgency) is to have effect as if for each reference to “combined authority” there were substituted “joint transport committee”.

(13) Article 14 (audit committees) has effect as if there were substituted—

“**Audit committees**

14.—(1) In appointing members to an audit committee the joint transport committee must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority and of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority when taken together.

(2) An audit committee appointed by the joint transport committee may not include any officer of the joint transport committee; Durham, Gateshead, Sunderland and South Tyneside Combined Authority; Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

(3) The joint transport committee must appoint to an audit committee at least one independent person.

(4) For the purposes of appointments under paragraph (3), a person is independent if the person—

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- (a) is not a member, co-opted member or officer of the joint transport committee; the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;
 - (b) is not a member, co-opted member or officer of a parish council for which the constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority;
 - (c) is not a relative, or close friend, of a person within sub-paragraph (a) or (b); and
 - (d) was not at any time during the period of five years ending with an appointment under paragraph (3)—
 - (i) a member, co-opted member or officer of the joint transport committee; the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority; or
 - (ii) a member, co-opted member or officer of a parish council for which the constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority.
- (5) The joint transport committee is entitled to make an appointment under paragraph (3) where—
- (a) the vacancy for the audit committee has been advertised in such manner as the joint transport committee considers is likely to bring it to the attention of the public;
 - (b) the person has submitted to the joint transport committee an application to fill the vacancy, and
 - (c) the person’s appointment has been approved by a majority of the members of the joint transport committee.
- (6) A person appointed under paragraph (3) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (7) The joint transport committee must determine a minimum number of members required to be present at a meeting of the audit committee before business may be transacted, to be no fewer than two-thirds of the total number of members of the audit committee.”
- (14) The joint transport committee must appoint at least one member of each of the constituent councils of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority to be members of the audit committee of the joint transport committee.

Commencement Information

I13 Sch. 2 para. 5 in force at 2.11.2018, see [art. 1](#)

Commencement Information

I12 Sch. 2 para. 4 in force at 2.11.2018, see [art. 1](#)

113 Sch. 2 para. 5 in force at 2.11.2018, see [art. 1](#)

SCHEDULE 3

Article 14

PART 1

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018”; and
- (c) “the HCA’s land” or land acquired or held by the HCA there were substituted a reference to “the Combined Authority’s land” or land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

(4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—
““Combined Authority” means the body corporate established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;”

Commencement Information

114 Sch. 3 para. 1 in force at 2.11.2018, see [art. 1](#)

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 14 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018”.

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

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(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 14 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

Commencement Information

I15 Sch. 3 para. 2 in force at 2.11.2018, see [art. 1](#)

SCHEDULE 4

Article 16

Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

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

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the combined area”;

(b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the combined area”;

(c) in subsection 3(d)—

(i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;

(ii) for “the Mayor” there were substituted “the Mayor for the combined area”; and

(iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection 4(d) and (e)”;

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- (d) in subsection 3(e)—
 - (i) for “the Mayor” there were substituted “the Mayor for the combined area”; and
 - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
 - (e) in subsection 3(f) for “the London Assembly” there were substituted “the Combined Authority”;
 - (f) in subsection (4)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council or county council whose local government area”;
 - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park.”;
 - (v) paragraphs (f) and (g) were omitted;
 - (g) in subsection (5)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
 - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
 - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
 - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
 - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
 - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
 - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—
- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the combined area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—

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- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council or county council wholly or partly in the combined area”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the combined area”;
 - (iv) paragraphs (f) to (h) were omitted;
 - (v) paragraph (k) were omitted;
 - (b) in subsection (4) paragraph (b) were omitted;
 - (c) subsection (7) were omitted;
 - (d) subsection (8) were omitted; and
 - (e) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the combined area”;
 - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
 - (c) in the definition of “affected authority”, “(f) or (g)” were omitted.
- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
 - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the combined area”; and
 - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the combined area”;
 - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council or county council wholly or partly in the combined area”; and
 - (c) in subsection (4) the definition of “an affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—

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- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
 - (i) the definition of “functional body” were omitted; and
 - (ii) in the definition of “permitted recipient”—
 - (iii) paragraph (b) were omitted,
 - (iv) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the combined area”, and
 - (v) paragraph (e) were omitted.
- (14) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
 - (a) for each reference to—
 - (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
 - (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
 - (b) for each reference to “MDC” there were substituted “the Corporation”;
 - (c) in paragraph 1(1)—
 - (i) for “Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
 - (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
 - (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council or county council”;
 - (e) in paragraph 1(3)—
 - (i) sub-paragraph (a) were omitted; and
 - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
 - (f) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
 - (g) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
 - (h) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
 - (i) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

Commencement Information

I16 Sch. 4 para. 1 in force at 2.11.2018, see [art. 1](#)

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SCHEDULE 5

Article 29

PART 1

Amendments to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 to change boundary

- 1.—(1) The 2014 Order is amended as follows.
 - (2) In article 1 (citation and commencement), 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”.
 - (3) In article 2 (interpretation)—
 - (a) in the definition of “the Combined Authority” 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”;
 - (b) in the definition of “constituent councils” omit “Newcastle Upon Tyne, North Tyneside, Northumberland,”; and
 - (c) omit the definition of “the county councils”.
 - (4) In the heading to Part 2, omit “Newcastle Upon Tyne, North Tyneside, Northumberland.”.
 - (5) In article 3(2) (establishment), 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”.
 - (6) In article 5 (funding)—
 - (a) in paragraph (3)—
 - (i) in the words before sub-paragraph (a) for “three” substitute “two”;
 - (ii) for sub-paragraph (a) substitute—
 - “(a) the councils for the local government areas of Gateshead, South Tyneside and Sunderland, and”;
 - (iii) omit sub-paragraph (c) and the “and” immediately preceding that sub-paragraph;
 - (b) in paragraph (4) for “the county councils” substitute “Durham County Council”; and
 - (c) omit paragraphs (5),(6) and (7).
 - (7) In article 8 (transfer of functions - county councils)—
 - (a) in the heading for “county councils” substitute “Durham County Council”;
 - (b) in paragraph (a) for “the county councils” substitute “Durham County Council”; and
 - (c) in paragraph (b) for “the county councils as local transport authorities” substitute “Durham County Council as a local transport authority”.
 - (8) In paragraph 3(6) of Schedule 1 (proceedings), for “seven” substitute “four”.
 - (9) Section 13 of the 1989 Act as modified by article 15, is to be read as if in subsection (4)(i) for “the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority”, there were substituted in each place “the Durham, Gateshead, South Tyneside and Sunderland Combined Authority”.

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(10) Regulation 64 of the Local Government Pension Scheme Regulations 2013 as modified by article 17, is to be read as if in paragraph (8A), for “the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority” there were substituted “the Durham, Gateshead, South Tyneside and Sunderland Combined Authority”.

Commencement Information

I17 Sch. 5 para. 1 in force at 2.11.2018, see [art. 1](#)

PART 2

Amendments to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 as a consequence of establishment of joint transport committee

2. In Schedule 1 to the 2014 Order (constitution)—

- (a) in paragraph 3(6)—
 - (i) omit paragraph (b);
 - (ii) in paragraph (c) after the words “annual budget” insert “excluding any spending plans related to the functions conferred on the joint transport committee appointed under article 8(1) of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018”;
 - (iii) omit paragraphs (d) and (e);
 - (iv) in paragraph (h) after the words “standing orders” insert “excluding any plans or strategies related to functions conferred on the joint transport committee appointed under article 8(1) of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018”; and
- (b) in paragraph 4(1) (committees), after “Combined Authority” in the second place it appears insert “in respect of all functions of the Combined Authority other than the functions conferred on the joint transport committee appointed under article 8(1) of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”.

Commencement Information

I18 Sch. 5 para. 2 in force at 2.11.2018, see [art. 1](#)

Changes to legislation:

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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\(2\)](#)