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STATUTORY INSTRUMENTS

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**2021 No. 112**

The West Yorkshire Combined Authority  
(Election of Mayor and Functions) Order 2021

PART 6

Transport

**Power to pay grant**

17.—(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) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraphs (1) and (2), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council 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 constituent council has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), 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 a constituent council;

(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.

(7) In this article “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

**Grants to bus service operators**

**18.**—(1) Subject to paragraphs (2) to (4), the Combined Authority shall have in relation to the Area a function corresponding to the function in section 154(1) of the Transport Act 2000<sup>(1)</sup> (grants to bus service operators) which the Secretary of State has in relation to England.

(2) For the purpose of paragraph (1), section 154(1) of the Transport Act 2000 shall have effect as if “with the approval of the Treasury” were omitted.

(3) Grants made under paragraph (1) must be—

- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the Transport Act 2000; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the Transport Act 2000 and notified to the Combined Authority.

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) In this article, “eligible bus services” has the meaning given by section 154(5) of the Transport Act 2000.

**Agreements between authorities and strategic highways companies**

**19.**—(1) The functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)<sup>(2)</sup> are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)<sup>(3)</sup> are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article—

- (a) “the 1980 Act” means the Highways Act 1980<sup>(4)</sup>;
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act<sup>(5)</sup>.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

(1) 2000 c. 38.

(2) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015, and S.I. 1995/1986.

(3) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(4) 1980 c. 66.

(5) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015.

## Traffic regulation

**20.**—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1 (traffic regulation orders outside Greater London)(**6**);
- (b) section 2(4) (what a traffic regulation order may provide)(**7**);
- (c) section 9 (experimental traffic orders)(**8**);

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.

(6) In this article “local traffic authority” has the meaning given by section 121A(**9**) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

## Transport functions related to traffic signs and pedestrian crossings

**21.**—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 23 (pedestrian crossings); and
- (b) section 65 (placing of traffic signs).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) In consequence of subparagraphs (a) and (b) of paragraph (1), the Combined Authority, in the discharge of the functions conferred on it by those provisions—

- (a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(**10**); and

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(6) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(7) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(8) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(9) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(10) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.

(b) is to be treated as a local traffic authority for the roads over which the functions are exercised.

(4) In this article “local traffic authority” has the meaning given by section 121A(11) of the 1984 Act.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

### **Apparatus affected by highway, bridge or transport works**

**22.**—(1) The functions of the constituent councils as highway authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Area—

- (a) sections 83, 84 and 85 of the New Roads and Street Works Act 1991(12) (“the 1991 Act”); and
- (b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(13);
- (b) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act(14); and
- (c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations.

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

### **Permit schemes**

**23.**—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the Traffic Management Act 2004(15) (“the 2004 Act”) are exercisable by the Combined Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)(16);

(11) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(12) 1991 c. 22. Section 83 was amended by section 40 of, and Schedule 1 to the Traffic Management Act 2004 (c. 18).

(13) S.I. 2000/3314.

(14) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004 (c. 18).

(15) 2004 c. 18.

(16) Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

(b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(17); and

(c) section 36 (variation and revocation of permit schemes)(18).

(2) The functions of the constituent councils as permit authorities specified in the 2007 Regulations are exercisable by the Combined Authority in relation to the Area.

(3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council, subject to the modifications in Schedule 4.

(5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council.

(6) For the purposes of paragraph (5), references in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined Authority.

(7) In this article—

(a) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act; and

(b) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(19).

(8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.

### **Bus lane contraventions**

**24.**—(1) The functions of the constituent councils in relation to each of their civil enforcement areas are exercisable by the Combined Authority in relation to the Enforcement Area.

(2) The functions are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) For the purposes of this article, the Combined Authority is to be treated as an approved local authority(20) for the Enforcement Area, and references in the 2005 Regulations to an approved local authority or to the combined area of such an authority are to be construed accordingly.

(4) In this article—

(a) “the 2005 Regulations” means the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(21);

(b) “civil enforcement area” means an area falling within Schedule 8 to the Traffic Management Act 2004 (civil enforcement areas and enforcement authorities)(22) and which falls within a constituent council’s area;

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(17) Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(18) Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(19) S.I. 2007/3372, amended by S.I. 2015/958.

(20) Under section 144(3) of the 2000 Act an authority is an approved local authority if an order has been made designating the whole or any part of its area as a civil enforcement area for parking contraventions, and the Secretary of State has made an order specifying it as an approved local authority.

(21) S.I. 2005/2757.

(22) 2004 c. 18.

(c) “Enforcement Area” means the area comprising the civil enforcement areas of the constituent councils.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1(2) of Schedule 1 to the 2014 Order or the substitute member acting in their place.