
STATUTORY INSTRUMENTS

2023 No. 1432

The York and North Yorkshire Combined Authority Order 2023

PART 1

General

Citation, commencement and extent

1.—(1) This Order may be cited as the York and North Yorkshire Combined Authority Order 2023.

(2) Save as provided in paragraph (3) this Order comes into force on the day after the day on which it is made.

(3) Articles 27, 41(1) and 42 to 44 come into force on 7th May 2024.

(4) This Order extends to England and Wales.

Interpretation

2. In this Order and in any modifications to legislation made by this Order—

“the 1980 Act” means the Highways Act 1980(1);

“the 1984 Act” means the Road Traffic Regulation Act 1984(2);

“the 1985 Act” means the Housing Act 1985(3);

“the 1989 Act” means the Local Government and Housing Act 1989(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“the 1999 Act” means the Greater London Authority Act 1999(6);

“the 2000 Act” means the Transport Act 2000(7);

“the 2003 Act” means the Local Government Act 2003(8);

“the 2004 Act” means the Fire and Rescue Services Act 2004(9);

“the 2008 Act” means the Housing and Regeneration Act 2008(10);

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009(11);

(1) 1980 c. 66.

(2) 1984 c. 27.

(3) 1985 c. 68.

(4) 1989 c. 42.

(5) 1990 c. 8.

(6) 1999 c. 29.

(7) 2000 c. 38.

(8) 2003 c. 26.

(9) 2004 c. 21.

(10) 2008 c. 17.

(11) 2009 c. 20.

“the 2011 Act” means the Localism Act 2011(**12**);

“the BRS Act” means the Business Rate Supplements Act 2009(**13**);

“the PRSR Act” means the Police Reform and Social Responsibility Act 2011(**14**);

“the TM Act” means the Traffic Management Act 2004(**15**);

“Area” means the area of the Combined Authority;

“chief fire officer” means the person with responsibility for managing the fire and rescue service;

“Combined Authority” means the York and North Yorkshire Combined Authority as established by article 3;

“community risk management plan” means a plan which—

- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
- (b) sets out for the period covered by the document in accordance with the requirements of the Framework—
 - (i) the Combined Authority’s priorities and objectives, and
 - (ii) an assessment of all foreseeable fire and rescue related risks that could affect its community, in accordance with the discharge of the Combined Authority’s functions as a fire and rescue authority;

“constituent councils” means the councils for the local government areas of North Yorkshire and the City of York;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3 to this Order, following the designation of an area of land by the Combined Authority;

“deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“election for the return of the mayor” means an election held pursuant to article 4;

“fire and rescue authority” means a fire and rescue authority under the 2004 Act;

“fire and rescue declaration” means a document which—

- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
- (b) contains a statement of the way in which the Combined Authority has had regard, in the period covered by the document, to the Framework and to any community risk management plan prepared by the Combined Authority for that period;

“fire and rescue functions” means functions conferred on the Combined Authority as a fire and rescue authority by, or by virtue of, any enactment;

“Fire and Rescue National Framework” means the document prepared by the Secretary of State under section 21 of the 2004 Act(**16**);

“fire and rescue service” means the personnel, services and equipment secured for the purposes of carrying out the functions of a fire and rescue authority under—

(12) 2011 c. 20.

(13) 2009 c. 7.

(14) 2011 c. 13.

(15) 2004 c. 18.

(16) Section 21 was amended by paragraph 9 of Schedule 1 to the Policing and Crime Act 2017 (c. 3). The Framework is available at <https://www.gov.uk/government/publications/fire-and-rescue-national-framework-for-england>. A hard copy can be obtained by writing to the Fire Strategy and Reform Unit, Home Office, 2 Marsham Street, London, SW1P 4DF.

- (a) section 6 of the 2004 Act (fire safety);
- (b) section 7 of that Act (fire-fighting);
- (c) section 8 of that Act (road traffic accidents);
- (d) any order under section 9 of that Act (emergencies) which applies to the FRA;
- (e) section 2 of the Civil Contingencies Act 2004 (duty to assess, plan and advise)⁽¹⁷⁾ and any subordinate legislation made under that Act applying to the FRA;
- (f) any other provision of, or made under, an enactment which confers functions on a fire and rescue authority;

“FRA” means the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority⁽¹⁸⁾;

“highway authority” and “local highway authority” have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act⁽¹⁹⁾;

“lead member” means the member designated pursuant to paragraph 1(2) of Schedule 1;

“Mayor” means the mayor for the Area, except in the term “Mayor of London”;

“PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992⁽²⁰⁾, as modified by the Combined Authorities (Finance) Order 2017⁽²¹⁾ in respect of the Mayor’s PCC functions⁽²²⁾;

“PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992⁽²³⁾ (as modified by the Combined Authorities (Finance) Order 2017) in respect of the Mayor’s PCC functions;

“Police, Fire and Crime Panel” means the police and crime panel established and maintained in accordance with Schedule 6 to the PRSR Act⁽²⁴⁾ (police and crime panel) for the North Yorkshire police area;

“proper officer”, in relation to a body and any purpose or area, means an officer appointed by the body for that purpose or area.

⁽¹⁷⁾ 2004 c. 36. There are amendments to section 2 not relevant to this instrument.

⁽¹⁸⁾ Established by article 3 of S.I. 2018/970.

⁽¹⁹⁾ Section 1 was amended by the Local Government Act 1985 (c. 51), paragraph 1 of Schedule 4 and Schedule 17, the New Roads and Street Works Act 1991 (c. 22), section 21(2), the Local Government (Wales) Act 1994 (c. 19), paragraph 1(2) and (3) of Schedule 7, the Greater London Authority Act 1999, section 259(1) to (3) and the Infrastructure Act 2015 (c. 7), paragraph 2 of Schedule 7. Section 2 was amended by the New Roads and Street Works Act 1991, section 21(3), the Greater London Authority Act 1999, section 259(4) and (5) and the Infrastructure Act 2015, paragraph 3 of Schedule 7. Section 3 was amended by the Infrastructure Act 2015, paragraph 4 of Schedule 7. Section 329(1) was amended by the Infrastructure Act 2015, paragraph 60(2) of Schedule 1. There are other amendments to section 329 that are not relevant to this Order.

⁽²⁰⁾ 1992 c. 14. Section 42A was inserted by section 75 of the 2011 Act and amended by article 3 of S.I. 2014/389. Section 107G of the 2009 Act provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

⁽²¹⁾ S.I. 2017/611.

⁽²²⁾ “PCC functions” is defined in section 107F(3) of the 2009 Act.

⁽²³⁾ Section 42A was inserted by section 75 of the 2011 Act and amended by S.I. 2014/389. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

⁽²⁴⁾ Schedule 6 was amended by paragraph 92 of Schedule 1 to the Policing and Crime Act 2017.