
STATUTORY INSTRUMENTS

2023 No. 1432

The York and North Yorkshire Combined Authority Order 2023

PART 5

Transport

Local Transport

13.—(1) The following functions are exercisable by the Combined Authority in relation to the Area—

- (a) the functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985⁽¹⁾;
- (b) the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.

(2) Subject to paragraph (3), the functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the constituent councils.

(3) The functions described in section 108(1)(b), (2ZA) and (3B), and section 109(4) of the 2000 Act⁽²⁾ are exercisable by the Combined Authority concurrently with the constituent councils, subject to the modifications set out in paragraph (4).

(4) The modifications are—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed under section 108(1)(a) of the 2000 Act in accordance with the functions conferred on the Combined Authority by paragraph (1)(b);
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan prepared under section 108(3) in accordance with the functions conferred on the Combined Authority by paragraph (1)(b); and
- (c) in section 109(4), the reference to “their local transport plan” is a reference to the local transport plan prepared under section 108(3) in accordance with the functions conferred on the Combined Authority by paragraph (1)(b).

Commencement Information

II Art. 13 in force at 20.12.2023, see [art. 1\(2\)](#)

⁽¹⁾ 1985 c. 67.

⁽²⁾ Section 108 was amended by section 3 of, and paragraph 2 of the Schedule to, the Transport (Wales) Act 2006 (c. 5), sections 7 to 9 of, and paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7 to, the Local Transport Act 2008 (c. 26), and by section 119 of, and paragraph 96 of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of, and paragraph 3 of the Schedule to, the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2008, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

Agreements between authorities and strategic highways companies

14.—(1) The following functions are exercisable by the Combined Authority in relation to the Area—

- (a) 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)(3);
- (b) 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)(4).

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

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

I2 Art. 14 in force at 20.12.2023, see [art. 1\(2\)](#)

Civil enforcement of road traffic contraventions

15.—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Enforcement Area comprising the civil enforcement areas of the constituent councils—

- (a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraphs 9 and 10 of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London)(5), to the TM Act;
- (b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(6); and
- (c) the Civil Enforcement of Road Traffic Contraventions (Representation and Appeals) Regulations 2022(7).

(2) The functions mentioned in paragraph (1) 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) In this article—

- (a) “civil enforcement area” means an area designated as a civil enforcement area under Schedule 8 to the TM Act (civil enforcement areas and enforcement authorities) which falls within the Area;

(3) 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 (c. 7), and S.I. 1995/1986.

(4) 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.

(5) Paragraph 9 of Schedule 8 to the Traffic Management Act 2004 (c. 18) is amended by paragraph 19 of Schedule 11 to the Deregulation Act 2015 (c. 20). There are amendments to Part 6 of the Traffic Management Act 2004 that are not relevant to this instrument.

(6) S.I. 2022/71.

(7) S.I. 2022/576.

- (b) “Enforcement Area” means the area comprising all of the civil enforcement areas of the constituent councils; and
 - (c) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the TM Act pursuant to paragraph 9(4) or 10(5) of Schedule 8 to that Act.
- (4) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

I3 Art. 15 in force at 20.12.2023, see [art. 1\(2\)](#)

Grants to bus service operators

16.—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) (grants to bus service operators) of the 2000 Act is exercisable by the Combined Authority in relation to the Area.

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

(3) Grants made by virtue of the functions conferred by 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 2000 Act; 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 2000 Act and notified to the Combined Authority.

(4) Grants must not be made by virtue of the function conferred by paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) The function mentioned in paragraph (1) is exercisable concurrently with the Secretary of State in relation to the Area.

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

Commencement Information

I4 Art. 16 in force at 20.12.2023, see [art. 1\(2\)](#)

Traffic regulation

17.—(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)(**8**);
- (b) section 2 (what a traffic regulation order may provide)(**9**);

(8) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000 (c. 38), section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

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

(c) section 9 (experimental traffic orders)(10).

(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 as local traffic authorities 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—

(a) “the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(11); and

(b) “local traffic authority” has the meaning given by section 121A(12) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

I5 Art. 17 in force at 20.12.2023, see [art. 1\(2\)](#)

Transport functions related to traffic signs and pedestrian crossings

18.—(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)(13); and

(b) section 65 (placing of traffic signs)(14).

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

(3) In consequence of sub-paragraphs (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 1980 Act(15); and

(10) 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.

(11) [S.I. 1996/2489](#).

(12) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991. 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](#).

(13) Section 23 was amended by Schedule 17 to the Local Government Act 1985 (c. 51), Schedule 8 to the New Roads and Street Works Act 1991, Schedule 10 to the Deregulation Act 2015 (c. 20) and Schedule 8 to the Infrastructure Act 2015.

(14) Section 65 was amended by section 153 of the Local Government and Housing Act 1989 (c. 42), Schedule 4 to the Road Traffic Act 1991, Schedule 8 of the New Roads and Street Works Act 1991, Schedule 1 of the Infrastructure Act 2015, section 41 of the Scotland Act 2016 (c. 11) and Schedule 6 to the Wales Act 2017 (c. 4).

(15) Section 62 was amended by paragraph 1 of Schedule 10 to the Transport Act 1981 (c. 56), by section 1(1) of the Traffic Calming Act 1992 (c. 30) and by section 102 of and Schedule 17 to the Local Government Act 1985 (c. 51); section 278 was substituted by section 23 of the New Roads and Street Works Act 1991.

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

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

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

I6 Art. 18 in force at 20.12.2023, see [art. 1\(2\)](#)

Apparatus affected by highway, bridge or transport works

19.—(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 1991 Act(**16**); 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 1991 Act” means the New Roads and Street Works Act 1991(**17**);

(b) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(**18**);

(c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations; and

(d) “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(**19**).

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

I7 Art. 19 in force at 20.12.2023, see [art. 1\(2\)](#)

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

(17) 1991 c. 22.

(18) S.I. 2000/3314.

(19) 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.

Permit schemes

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

- (a) section 33 (preparation of permit schemes)(**20**);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(**21**); and
- (c) section 36 (variation and revocation of permit schemes)(**22**).

(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 TM 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 as a local highway authority, subject to the modifications in Schedule 4 to this Order.

(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 as a Permit Authority.

(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 Authority” has the same meaning as in regulation 2(1) of the 2007 Regulations;
- (b) “permit scheme” is to be construed in accordance with section 32 of the TM Act; and
- (c) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(**23**).

(8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Commencement Information

18 Art. 20 in force at 20.12.2023, see [art. 1\(2\)](#)

Lane rental schemes

21.—(1) The functions of the constituent councils approved as Approved Authorities that are specified in the 2012 Regulations are exercisable by the Combined Authority in relation to the Area.

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

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

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

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

(23) [S.I. 2007/3372](#).

(3) The 2012 Regulations apply in relation to the operation of lane rental schemes by the Combined Authority as they apply in relation to the operation of lane rental schemes by a constituent council that is an Approved Authority.

(4) For the purposes of paragraph (3), references in the 2012 Regulations to an Authorised Authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “Approved Authority” has the same meaning as in regulation 2 of the 2012 Regulations;
- (b) “lane rental scheme” means a scheme whereby an undertaker executing street works in a maintainable highway is required to pay to the highway authority a charge determined by reference to the duration of the works; and
- (c) “the 2012 Regulations” means the Street Works Charges for Occupation of the Highway (England) Regulations 2012(24).

(6) The Combined Authority may not exercise the functions conferred by paragraph (1) unless—

- (a) all of the constituent councils are Approved Authorities; and
- (b) each constituent council in whose area it is proposed that the functions are to be exercised has consented—
 - (i) to the exercise of those functions; and
 - (ii) to the exercise of the functions specified in article 20 (permit schemes) pursuant to paragraph (8) of that article.

Commencement Information

19 Art. 21 in force at 20.12.2023, see [art. 1\(2\)](#)

Power to pay grant

22.—(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 paragraph (1) 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 in question 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 in question 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 paragraph (1), section 31 of the 2003 Act has effect as if—

- (a) in subsection (1)—
 - (i) the reference to a “Minister of the Crown” were a reference to the Combined Authority;

- (ii) the reference to a “local authority in England” were a reference to 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.

Commencement Information

I10 Art. 22 in force at 20.12.2023, see [art. 1\(2\)](#)

Amendment of the Sub-national Transport Body (Transport for the North) Regulations 2018

23.—(1) The Sub-national Transport Body (Transport for the North) Regulations 2018⁽²⁵⁾ are amended in accordance with paragraph (2).

- (2) In regulation 2(1) (interpretation) in the definition of “constituent authorities”—
 - (a) omit “The Council of the City of York” and “North Yorkshire Council”; and
 - (b) after “Westmorland and Furness Council⁽²⁶⁾”, insert “The York and North Yorkshire Combined Authority”.

Commencement Information

I11 Art. 23 in force at 20.12.2023, see [art. 1\(2\)](#)

⁽²⁵⁾ [S.I. 2018/103](#).

⁽²⁶⁾ Westmorland and Furness Council was established by [S.I. 2022/331](#). [S.I. 2023/187](#) amended the Sub-national Transport Body (Transport for the North) Regulations 2018 accordingly.

Changes to legislation:

There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, PART 5.