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STATUTORY INSTRUMENTS

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**2024 No. 402**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND  
EDUCATION, ENGLAND**

**The North East Mayoral Combined Authority  
(Establishment and Functions) Order 2024**

*Made - - - - 20th March 2024  
Coming into force in accordance with article 1(2) and  
(3)*

The Secretary of State makes this Order in exercise of the powers conferred by sections 103(1) and (7), 104(1) and (5), 105(1) and (3), 105A(1), (2), (3)(a) and (b), (4) and (7), 107(1), 107A(1), 107D(1), (3), (5), (7) and (8), 107E(1) to (4), 114(1) and (3), 115, 116 and 117(1A) and (5) of, and paragraphs 3 and 4 of Schedule 5A and paragraph 3 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(1) (“the 2009 Act”)(2).

The Secretary of State, having had regard to the scheme prepared and published under sections 109(3) and 112(4) of the 2009 Act, considers that the requirements of sections 110(1)(5) and 113(1)(a)(6) of the 2009 Act have been met.

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- (1) **2009 c. 20** (“the 2009 Act”). Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”) (c. 1). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the 2016 Act. Section 105 was amended by sections 6, 9 and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Section 107 was amended by Schedule 5 to the 2016 Act. Section 107A was inserted by section 2 of the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act, and amended by section 8 of Policing and Crime Act 2017 (c. 3). Section 107E was inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act and **S.I. 2021/1265**. Section 115 was amended by Schedule 5 to the 2016 Act. Subsections (2), (2A) and (3) of section 117 were substituted by section 13 of the Localism Act 2011 (“the 2011 Act”), and section 117(5) was inserted by paragraph 29 of Schedule 5 to the 2016 Act. Subsection (1A) of section 117A was inserted by paragraph 29 of Schedule 5 to the 2016 Act. Schedules 5A and 5B were inserted by Schedules 3 and 1 respectively to the 2016 Act.
- (2) The conditions for making an order under section 105A are met as a proposal for the making of the order in relation to the combined authority was made to the Secretary of State by the appropriate authorities in accordance with section 105B(1)(a).
- (3) Section 109 was amended by sections 6 and 12 of the 2016 Act, and was repealed by section 65(2) of the 2023 Act. The effect of section 65(9) of the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”) is that the repeal of section 109 by virtue of section 65(2) of the 2023 Act does not apply to section 109 in relation to the preparation and publication of a scheme following a review under section 108 of the 2009 Act that began before section 65 of the 2023 Act came into force. Section 108 was repealed by section 65(2) of the 2023 Act, but by virtue of section 65(9), that repeal has no effect in respect of a review that began before the coming into force of section 65.
- (4) Section 112 was amended by paragraphs 17 and 23 of Schedule 5 to the 2016 Act, and was repealed by section 66(2) of the 2023 Act. The effect of section 66(10) of the 2023 Act is that the repeal of section 112 by virtue of section 66(2) of the 2023 Act does not apply to section 112 in relation to the preparation and publication of a scheme following a review under section 111 of the 2009 Act, where a review under section 111 began before section 66 of the 2023 Act came into force. Section 66(10) further provides that the repeal of section 111 of the 2009 Act by section 66(2) does not affect the operation of section 111 where a review under that section began before section 66 of the 2023 Act came into force.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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A consultation of the kind described in sections 110(2)(b) and 113(2)(b) of the 2009 Act has been carried out and the Secretary of State considers that no further consultation is necessary.

The Secretary of State is satisfied that the areas to which this Order relates meet the conditions set out in section 103(2) and (5) of the 2009 Act.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and the need to secure effective and convenient local government in compliance with sections 110(4) and 113(3) of the 2009 Act.

The Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority and their respective constituent councils, have consented to the making of this Order in so far as their consent is required in accordance with sections 104(10)(a) and (b), 105(3A)(a) and (b), 105B(1) and (2), 107(2)(a), 107D(9) and 110(1)(b) of the 2009 Act.

In accordance with section 107(2)(b) of the 2009 Act, the Mayor of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority has consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act, the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

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- (5) Section 110 was amended by sections 12(1) and (5) and 14(1) and (7) of the 2016 Act, and amended by sections 65(5) to (8) of the 2023 Act. The effect of section 65(10) of the 2023 Act is that the amendments made by section 65(5) to (8) of the 2023 Act to section 110 of the 2009 Act do not apply to section 110 as it has effect in relation to the making of an order in response to a scheme under section 109 of the 2009 Act.
- (6) Section 113 was amended by sections 12(1) and (6), and 14(1) and (8) of the 2016 Act and further amended by section 66(5) to (9) of the 2023 Act. The effect of section 66(11) of the 2023 Act is that the amendments made by section 66(5) to (9) of the 2023 Act to section 113 of the 2009 Act do not apply to section 113 as it has effect in relation to the making of an order in response to a scheme under section 112 of the 2009 Act.