

*Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2024 No. \*\*\***

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

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

Made - - - - - \*\*\*  
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.

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.

## PART 1

### General

#### Citation, commencement, and extent

1.—(1) This Order may be cited as the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.

(2) This Part and Part 4 (election of Mayor) come into force on the day after the day on which this Order is made.

(3) The remaining provisions in this Order come into force on 7th May 2024.

(4) This Order extends to England and Wales.

#### Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(7);

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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.

(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.

(7) [1972 c. 70](#).

“the 1985 Act” means the Transport Act 1985**(8)**;

“the 1989 Act” means the Local Government and Housing Act 1989**(9)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(10)**;

“the 1999 Act” means the Greater London Authority Act 1999**(11)**;

“the 2000 Act” means the Transport Act 2000**(12)**;

“the 2003 Act” means the Local Government Act 2003**(13)**;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004**(14)**;

“the 2008 Act” means the Housing and Regeneration Act 2008**(15)**;

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

“the 2011 Act” means the Localism Act 2011**(16)**;

“the 2014 Order” means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014**(17)**—

(a) for the purposes of this Part and Part 4, as in force on the day that this Order is made;

(b) for all other purposes, as in force immediately before 7th May 2024;

“the 2018 Order” means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018**(18)**—

(a) for the purposes of this Part and Part 4, as in force on the day that this Order is made;

(b) for all other purposes, as in force immediately before 7th May 2024;

“ASCLA” means the Apprenticeships, Skills, Children and Learning Act 2009**(19)**;

“apprenticeship training” has the meaning given in section 83(5) of the ASCLA;

“Combined Area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the combined authority established by article 5;

“Constituent Council Member” means an elected member appointed to the Combined Authority by a constituent council pursuant to paragraph 1(1)(a) of Schedule 1;

“constituent councils” means the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland, and a reference to a “constituent council” is a reference to any one of those councils;

“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 6, following the designation of an area of land by the Combined Authority;

“the Durham, Gateshead, South Tyneside and Sunderland Combined Authority” means the combined authority established by article 3 of the 2014 Order which by virtue of article 3(4) of

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**(8)** 1985 c. 67.

**(9)** 1989 c. 42.

**(10)** 1990 c. 8.

**(11)** 1999 c. 29.

**(12)** 2000 c. 38.

**(13)** 2003 c. 26.

**(14)** 2004 c. 5.

**(15)** 2008 c. 17.

**(16)** 2011 c. 20.

**(17)** S.I. 2014/1012.

**(18)** S.I. 2018/1133.

**(19)** 2009 c. 22.

the 2018 Order is known as the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;

“HA 1985” means the Housing Act 1985<sup>(20)</sup>;

“ITA” means the Tyne and Wear Integrated Transport Authority;

“the joint transport committee” means the committee appointed under article 8 of the 2018 Order as constituted immediately before 7th May 2024, that committee being the forum by way of which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority made decisions in respect of the transport functions outlined in article 9(1) of the 2018 Order across the whole of the area covered by those combined authorities;

“Mayor” means the Mayor for the Combined Area as provided for by article 14, except in the terms “mayor of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority” and “Mayor of London”<sup>(21)</sup>;

“the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority” means the authority established by article 3(1) of the 2018 Order;

“person subject to adult detention” is to be construed in accordance with section 121(4) of the ASCLA;

“Substitute Constituent Council Member” means an elected member appointed to the Combined Authority by a constituent council pursuant to paragraph 1(1)(b) of Schedule 1;

“the TMA” means the Traffic Management Act 2004<sup>(22)</sup>.

## PART 2

### Establishment

#### **Dissolution of the combined areas of Durham, Gateshead, South Tyneside and Sunderland and Newcastle Upon Tyne, North Tyneside and Northumberland and the abolition of their respective combined authorities**

3.—(1) The combined area as defined by article 2 of the 2014 Order, that area having been the area covered by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority, is dissolved on 7th May 2024.

(2) The combined area as defined by article 2 of the 2018 Order, that area having been the area covered by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, is dissolved on 7th May 2024.

(3) The Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority are abolished on 7th May 2024.

(4) The 2014 Order, the 2018 Order and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019<sup>(23)</sup> are revoked on 7th May 2024.

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<sup>(20)</sup> 1985 c. 68.

<sup>(21)</sup> “Deputy Mayor” has the meaning given in section 107C(7) of the 2009 Act.

<sup>(22)</sup> 2004 c. 18.

<sup>(23)</sup> S.I. 2019/1457.

### **Abolition of the Joint Transport Committee**

4. The joint transport committee is abolished on 7th May 2024.

### **Establishment of the North East Mayoral Combined Authority**

- 5.—(1) There is established on 7th May 2024 a combined authority for the Combined Area.

(2) The combined authority is a body corporate to be known as the North East Mayoral Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

### **Constitution of the Combined Authority**

6. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

## **PART 3**

### **Transfer of Functions, Property, Rights, Assets and Liabilities and associated provision**

#### **Transfer of property, assets, rights and liabilities**

7. All property, rights, assets and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights, assets and liabilities of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority are to transfer to, and by virtue of this article vest in, the Combined Authority on 7th May 2024.

#### **Transfer of functions**

8. Subject to article 12 (pension liabilities), any function of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority which is not otherwise conferred on the Combined Authority by any other provision in this Order is conferred on the Combined Authority by this article.

#### **Continuity provision**

9.—(1) Nothing in this Order affects the validity of anything done before 7th May 2024 by or in relation to—

- (a) the ITA with respect to the functions, property, rights and liabilities transferred under article 6 of the 2014 Order and article 7(1)(a) of the 2018 Order;
- (b) Durham County Council and Northumberland County Council with respect to the functions transferred under article 8 of the 2014 Order;
- (c) Durham County Council and Northumberland County Council with respect to the functions transferred under article 7(1)(b) and (c) of the 2018 Order;
- (d) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority with respect to functions exercised in relation to the Combined Area; and

- (e) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority with respect to functions exercised in relation to the Combined Area.
- (2) Anything (including legal proceedings) which—
- (a) is in the process of being done by or in relation to the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority immediately before 7th May 2024;
  - (b) relates to any functions of either of those Authorities exercised in relation to the Combined Area including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order; and
  - (c) relates to the property, rights, assets and liabilities transferred by article 7,
- may be continued by the Combined Authority.
- (3) Anything which—
- (a) is in effect immediately before 7th May 2024; and
  - (b) was made or done by or in relation to the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority for the purposes of or otherwise in connection with any functions exercised in relation to the Combined Area, including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order,
- has effect as if made or done by or in relation to the Combined Authority.
- (4) The Combined Authority is to be substituted for the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and for the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority in any instruments, contracts or legal proceedings which—
- (a) are made or commenced before 7th May 2024; and
  - (b) relate to any of the functions exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority in relation to the Combined Area, including the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order.
- (5) Anything (including legal proceedings) which is in the process of being done by or in relation to a relevant body immediately before 7th May 2024 and which relates to the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order, may be continued by the Combined Authority.
- (6) The Combined Authority is to be substituted for a relevant body in any instruments, contracts or legal proceedings which—
- (a) are made or commenced before the coming into force of this Part; and
  - (b) relate to any of the functions exercisable by the joint transport committee under article 9(1)(a) to (h) of the 2018 Order.
- (7) For the purposes of this article, a relevant body is—
- (a) the ITA;
  - (b) Durham County Council;
  - (c) Northumberland County Council;
  - (d) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;
  - (e) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

(8) A reference in this article to anything made or done by or in relation to a relevant body includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to that body.

### **Extension of financial year of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority**

**10.**—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014<sup>(24)</sup> for a relevant authority to prepare a statement of accounts for each financial year is modified in the case of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority as set out in paragraph (2).

(2) In relation to the financial year beginning with 1st April 2023, the Combined Authority is to prepare a statement of accounts for each of the authorities mentioned in paragraph (1) as though that financial year were to end with 7th May 2024.

### **Statutory Officers**

**11.**—(1) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Chief Finance Officer, such person having had responsibility for the proper administration of its financial affairs within the meaning of section 73 of the Local Government Act 1985 (financial administration)<sup>(25)</sup>, in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Chief Finance Officer.

(2) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Head of Paid Service, within the meaning of section 4 of the 1989 Act (designation and reports of head of paid service), in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Head of Paid Service.

(3) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Monitoring Officer, within the meaning given in section 5 of the 1989 Act (designation and reports of monitoring officer), in the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, to be its Monitoring Officer.

(4) The Combined Authority must designate the person who, immediately before 7th May 2024, held the role of Scrutiny Officer, within the meaning of section 9FB of the Local Government Act 2000 (scrutiny officers)<sup>(26)</sup>, in the Durham, Gateshead, South Tyneside and Sunderland Combined Authority, to be its Scrutiny Officer.

(5) In the event that any of the posts listed in paragraph (1) or (4) lies vacant immediately before, or on, 7th May 2024, the Combined Authority must as soon as reasonably practicable designate a new person to that post.

### **Pension liabilities**

**12.** The Combined Authority is the scheme employer for the purposes of the Local Government Pension Scheme Regulations 2013<sup>(27)</sup> in place of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority, or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority and is to be responsible for meeting the liabilities of the Tyne and Wear Pension Fund in respect of benefits due to, or in respect of, the ITA's former

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(24) 2014 c. 2.

(25) 1985 c. 51.

(26) 2000 c. 22; section 9FB was inserted by paragraph 1 of Schedule 2 to the 2011 Act.

(27) S.I. 2013/2356.

employees, or any liabilities of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

## PART 4

### Election of Mayor

#### **Cancellation of the election for the mayor of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority in 2024**

**13.**—(1) The 2018 Order is amended as follows.

(2) In article 5 (Mayor) for paragraphs (3), (4) and (5) substitute—

“(3A) There are to be no subsequent elections for the return of a Mayor following the election that took place on 2nd May 2019.

(4A) The term of office of the Mayor elected on 2nd May 2019 is to continue until the end of 6th May 2024.”.

#### **The Mayor**

**14.**—(1) There is to be a Mayor for the Combined Area.

(2) The first election for the return of a Mayor is to be held on 2nd May 2024.

(3) Subsequent elections for the return of the Mayor must take place—

(a) on the ordinary day of election of councillors in England in 2028; and

(b) in each subsequent fourth year on the ordinary day of election of councillors in England in that year.

(4) In this article, “the ordinary day of election of councillors in England” means, in relation to any year, the day that is the ordinary day of election in that year of councillors in England in accordance with section 37 of the Representation of the People Act 1983<sup>(28)</sup>.

#### **The Mayor’s first and subsequent terms of office**

**15.**—(1) The term of office of the Mayor for the Combined Area who is elected in 2024—

(a) begins with 7th May 2024; and

(b) ends with the fourth day after the day of the poll at the next election for the return of a Mayor for the Combined Area.

(2) The term of office of the Mayor who is elected in 2028 and in each subsequent fourth year—

(a) begins with the fourth day after the day of the poll at the election for the return of a Mayor for the Combined Area; and

(b) ends with the fourth day after the day of the poll at the next election for the return of a Mayor for the Combined Area.

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<sup>(28)</sup> 1983 c. 2. Section 37 was amended by section 18(2) of the Representation of the People Act 1985 (c. 50), section 17 of and Schedule 3 to the Greater London Authority Act 1999 (c. 29), and section 6(16) of the Wales Act 2017 (c. 4).



## Modification of the Combined Authorities (Mayoral Elections) Order 2017

16.—(1) The Combined Authorities (Mayoral Elections) Order 2017 (“the 2017 Order”)(**29**) has effect for the purposes of the election to be held for the return of the Mayor on 2nd May 2024 with the modifications specified in paragraphs (2) to (7).

(2) Article 2 (interpretation) is to be read as if—

- (a) the existing paragraph were numbered “(1)”;
- (b) there were inserted after that paragraph—

“(2) In this Order, any reference to a “combined authority” includes a reference to the North East Mayoral Combined Authority, to be established by article 5 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

(3) Article 6 (combined authority returning officer) is to be read as if—

- (a) at the beginning of article 6(1) there were inserted “Subject to paragraph (1A),”;
- (b) after paragraph (1) there were inserted—

“(1A) In relation to the election on 2nd May 2024 to be held for the return of a Mayor for the North East Mayoral Combined Authority, which is to be established by article 5 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024, (“the election”), the Sunderland City Council returning officer is to be the combined authority returning officer in relation to the election, but in the event that they are unable to act, the deputy Sunderland City Council returning officer is to be the returning officer for the election.”.

(4) Article 8 (free delivery of elections addresses) is to be read as if for paragraph (2) there were substituted—

“(2) Candidates’ election addresses are to be delivered at the expense of the constituent councils, such expenditure to be reimbursed by the North East Mayoral Combined Authority following its establishment.”.

(5) In Schedule 1 (the Combined Authority Mayoral Elections Rules)—

- (a) rule 28(6) is to be read as if for sub-paragraph (b) there were substituted—

“(b) the following notice which must be exhibited in every compartment of every polling station—

“NORTH EAST MAYORAL COMBINED AUTHORITY MAYORAL ELECTION

Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.”

- (b) rule 59 is to be read as if for paragraph (17) there were substituted—

“(17) The combined authority returning officer, or as the case may be, their deputy, acting in their capacity as the combined authority returning officer in relation to the election must inform the respective proper officers(**30**) of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority of the result of the election.”.

(6) In Schedule 2 (modifications of Acts and statutory instrument), in paragraph 1 (modification of the Representation of the People Act 1983), the existing modification of section 36 of the

(**29**) S.I. 2017/67, which was amended by section 2(4) of the Local Government (Disqualification) Act 2022 (c. 17) and other relevant amending instruments are S.I. 2018/19, 1310, 2019/350, 2022/1353, and 1382.

(**30**) See section 270(3) of the Local Government Act 1972 (“the 1972 Act”) in relation to the meaning of “proper officer”.

Representation of the People Act 1983 made by sub-paragraph (6)(b) is to be read as if for the inserted subsection (4C) there were substituted—

“(4C) All expenditure properly incurred by a returning officer or combined authority returning officer in relation to the holding of a combined authority mayoral election must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, exceed that scale, be paid by the constituent councils of the North East Mayoral Combined Authority, and reimbursed by the North East Mayoral Combined Authority.”.

(7) In Schedule 3 (Combined Authority Mayoral Election (Combination of Polls) Rules)—

(a) in rule 28(8)(b), the entry “[Specify name of combined authority] COMBINED AUTHORITY MAYORAL ELECTION ([specify colour] ballot paper)” is to be read as if for it there were substituted—

“NORTH EAST MAYORAL COMBINED AUTHORITY MAYORAL ELECTION ([specify colour] ballot paper)”;

(b) rule 59 is to be read as if for paragraph (18) there were substituted—

“(18) The combined authority returning officer, or as the case may be, their deputy, acting in their capacity as the combined authority returning officer in relation to the election must inform the respective proper officers of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority of the result of the election.”.

### Political adviser

17.—(1) The Mayor may appoint one person as the Mayor’s political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>(31)</sup>), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words from “and that the appointment terminates” to the end of that subsection were omitted.

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(31) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by [S.I. 2001/2237](#). There are other amendments not relevant to this Order.

## PART 5

### Transport

#### Passenger Transport Executive

**18.**—(1) In this article “the Executive” means the Tyne and Wear Passenger Transport Executive.

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008<sup>(32)</sup> and Part 6 of the 2009 Act.

(3) In the application of section 101 of the 1972 Act (arrangements for the discharge of functions) to the Combined Authority, the Executive is to be treated as if it were an officer of the Combined Authority.

#### Transfer of functions etc. relating to transport

**19.** Insofar as they are not otherwise conferred by the making of this Order, the following functions are transferred to the Combined Authority—

- (a) the functions of an ITA<sup>(33)</sup> which were exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority immediately before 7th May 2024 in relation to the Combined Area or any part thereof;
- (b) the functions of a county council under Parts 4 and 5 of the 1985 Act<sup>(34)</sup> which were exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority immediately before 7th May 2024 in relation to the Combined Area or any part thereof;
- (c) the functions of a county council as local transport authority under Part 2 of the 2000 Act, which were exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority immediately before 7th May 2024 in relation to the Combined Area or any part thereof;
- (d) any other function not coming within paragraph (a), (b) or (c) that was exercised by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or, as the case may be, the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority through the joint transport committee immediately before 7th May 2024 in relation to the Combined Area or any part thereof.

#### Adaptation of enactments

**20.**—(1) This article has effect in consequence of article 19 (transfer of functions etc. relating to transport).

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the Combined Area.

(3) In any enactment (whenever passed or made)—

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<sup>(32)</sup> 2008 c. 26.

<sup>(33)</sup> See section 77 of the Local Transport Act 2008 (c. 26) which makes provision in relation to integrated transport authorities.

<sup>(34)</sup> 1985 c. 67.

- (a) any reference to an integrated transport authority; or
  - (b) any reference which falls to be read as a reference to such an authority,
- is to be treated as including a reference to the Combined Authority.
- (4) Any reference in any enactment (whenever passed or made) relating to—
    - (a) a function of a county council under Part 4 or 5 of the 1985 Act; or
    - (b) a function of a county council as a local transport authority under Part 2 of the 2000 Act,
 and which is a reference to a county or any class of area which includes a county is to be treated as including a reference to the Combined Area.
  - (5) Any reference in any enactment (whenever passed or made) relating to—
    - (a) a function of a county council under Part 4 or Part 5 of the 1985 Act; or
    - (b) a function of a county council as a local transport authority under Part 2 of the 2000 Act,
 and which is a reference to a county council or any class of body which includes a county council is to be treated as including a reference to the Combined Authority.
  - (6) Part 1 of Schedule 2, which amends miscellaneous transport-related legislation, has effect.

### Agreements between authorities and strategic highways companies

**21.**—(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)**(35)** are exercisable by the Combined Authority in relation to the Combined 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 doing of certain works)**(36)** are exercisable by the Combined Authority in relation to the Combined 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**(37)**;
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act.

(5) The exercise of the functions referred to in paragraphs (1) and (2) requires the consent of each Constituent Council Member whose constituent council’s area contains any part of the land in relation to which the function is to be exercised.

### Permit schemes

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

- (a) section 33 (preparation of permit schemes**(38)**);

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

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

**(37)** 1980 c. 66.

**(38)** Section 33 was amended by paragraph 5 of 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)(**39**); and

(c) section 36 (variation and revocation of permit schemes)(**40**).

(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 Combined Area.

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

(4) Part 3 of the TMA (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 Part 2 of Schedule 2.

(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) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(**41**);

(b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act;

(c) “permit authority” has the same meaning as in regulation 2(1) of the 2007 Regulations;

(d) “permit scheme” is to be construed in accordance with section 32 of the TMA.

(8) The exercise of the functions referred to in paragraphs (1) and (2) requires the consent of each Constituent Council Member whose constituent council’s area contains any part of the land in relation to which the function is to be exercised.

### **Promoting road safety**

**23.**—(1) The functions of the constituent councils specified in section 39(2) and (3) of the Road Traffic Act 1988(**42**) (duties of local authorities in relation to measures designed to promote road safety and studies into vehicular accidents arising, etc)(**43**) are exercisable by the Combined Authority in relation to the Combined Area.

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

(3) The exercise of the functions referred to in paragraph (1) requires the consent of each Constituent Council Member whose constituent council’s area contains any part of the land in relation to which the function is to be exercised.

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(39) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.

(40) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

(41) S.I. 2007/3372.

(42) 1988 c. 52.

(43) Section 39 was amended by section 168 of, and Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and by section 279 of the Greater London Authority Act 1999 (c. 29).

### Grants to bus service operators

**24.**—(1) Subject to paragraphs (2) to (4), the functions of the Secretary of State set out in section 154(1) (grants to bus service operators) of the 2000 Act are exercisable by the Combined Authority in relation to the Combined Area<sup>(44)</sup>.

(2) Section 154(1) of the 2000 Act has effect as if the words “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 under 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 under paragraph (1) to the extent that eligible bus services operate outside the Combined Area.

(5) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Combined Area.

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

### Bus lane contraventions

**25.**—(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 each of their civil enforcement areas).

(3) For the purposes of this article, the Combined Authority is to be treated as an enforcement authority for the Enforcement Area in relation to bus lane contraventions, and references in the General Provisions Regulations and the Appeals and Representations Regulations to an enforcement authority or civil enforcement area are to be construed accordingly.

(4) The exercise of the functions referred to in paragraph (1) requires the consent of a Constituent Council Member appointed by a constituent council whose area contains any part of the land in relation to which the function is to be exercised

(5) In this article—

“the General Provisions Regulations” means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022<sup>(45)</sup>;

“the Appeals and Representations Regulations” means the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022<sup>(46)</sup>;

“bus lane contravention” has the meaning given in the TMA (see section 92 of, and Schedule 7 to, that Act);

“civil enforcement area” means an area falling within paragraph 9 of Schedule 8 to the TMA (civil enforcement areas and enforcement authorities) which falls within a constituent council’s area;

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<sup>(44)</sup> The combined authority is a mayoral combined authority for the purposes of section 123A(4)(a) (franchising schemes) of the Transport Act 2000; section 123A was inserted by section 4 of the Bus Services Act 2017 (c. 21).

<sup>(45)</sup> S.I. 2022/71.

<sup>(46)</sup> S.I. 2022/576.

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

### **Funding in respect of transport functions – levy**

**26.**—(1) A levy issued by the joint transport committee for the financial year beginning with 1st April 2024 has effect for the remainder of that financial year as if it had been issued by the Combined Authority under section 74 of the Local Government Finance Act 1988<sup>(47)</sup>.

(2) For the financial year beginning with 1st April 2025 and each subsequent financial year, the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport are to be met by means of three separate levies issued by the Combined Authority to—

- (a) the district councils in the county of Tyne and Wear;
- (b) Durham County Council; and
- (c) Northumberland County Council,

under section 74 of the Local Government Finance Act 1988, and in accordance with the Transport Levying Bodies Regulations 1992<sup>(48)</sup>.

### **Power to pay grant - general**

**27.**—(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 Combined 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.

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<sup>(47)</sup> 1988 c. 41.

<sup>(48)</sup> S.I. 1992/2789.

### **Modification of the 2000 Act - implementation of the local transport plan**

**28.**—(1) Section 113 (role of metropolitan district councils)(**49**) of the 2000 Act is modified as follows as it applies in respect of the local transport plan developed by the Combined Authority for the Combined Area.

(2) The heading is to be read as if after “metropolitan district” there were inserted “and county”.

(3) Subsection (2) is to be read as if after “metropolitan districts” there were inserted “and counties”.

## **PART 6**

### **Education, Skills and Training**

#### **Adult education functions of the Secretary of State transferred to the Combined Authority in relation to the Combined Area**

**29.**—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of ASCLA are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(**50**);
- (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(**51**); and
- (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(**52**).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any functions relating to apprenticeship training;
- (b) any functions relating to persons subject to adult detention; or
- (c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

#### **Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Combined Area**

**30.**—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of ASCLA are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention)(**53**); and
- (b) section 100(1) (provision of financial resources)(**54**).

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(**49**) Section 113 has been amended by section 12(1) to (4) of the Local Transport Act 2008 (c. 26) and paragraph 98 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

(**50**) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6) (“CFA 2014”); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c. 21) (“EA 2011”).

(**51**) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20); and by paragraph 91 of Part 2 of Schedule 3 to the CFA 2014.

(**52**) Section 88 was amended by section 114(2) of the Digital Economy Act 2017 (c. 30), and by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20) and by section 73 of the EA 2011.

(**53**) Section 90 was amended by paragraphs 5 and 20 of Part 2 of Schedule 1, and paragraphs 1 and 12 of Part 1 of Schedule 14, to the Deregulation Act 2015 (c. 20).

(**54**) Section 100 was amended by paragraphs 1 and 9 of Schedule 18 to the EA 2011; Schedules 1 and 14 to the Deregulation Act 2015; section 27 of the Enterprise Act 2016 (c. 12).



- (2) The functions mentioned in paragraph (1) do not include—
- (a) any function relating to apprenticeship training; or
  - (b) any function relating to persons subject to adult detention.
- (3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Combined Area.

### **Conditions on the exercise of functions mentioned in articles 29 and 30**

**31.**—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100(1) of ASCLA in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 29 and 30, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(**55**).

(3) In paragraph (1), “award” has the same meaning as in regulation 2(1) of the Education (Fees and Awards) (England) Regulations 2007(**56**).

### **Modification of provisions in ASCLA**

**32.** For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 29 and 30, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of ASCLA apply in relation to the Combined Authority with the modifications set out in Schedule 3.

### **Functions of the constituent councils to be exercised concurrently with the Combined Authority**

**33.**—(1) The functions of the constituent councils described in the provisions set out in paragraph (2) are exercisable by the Combined Authority in relation to the Combined Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals: England)(**57**);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(**58**);
- (c) sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(**59**);

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(55) This is available at the following link <https://www.gov.uk/government/publications/exercising-devolved-adult-education-functions>, and available for inspection at reasonable times at the offices of the Department for Levelling-up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

(56) *S.I. 2007/779*. There are amendments to these Regulations but none is relevant.

(57) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and was amended by *S.I. 2010/1158*.

(58) Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the CFA 2014 and by *S.I. 2010/1158*.

(59) Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 46 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Section 15ZA was amended by paragraph 5 of Schedule 3 to the CFA 2014, by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by *S.I. 2010/1158* and *2015/1852*. Section 15ZC was amended by *S.I. 2010/1158* and *2015/1852*. Section 18A was also amended by section 30(7) of the EA 2011, sections 30 and 82 and by paragraph 8 of Schedule 3 to the CFA 2014 and *S.I. 2010/1158*. Section 514A was amended by paragraph 50 of Schedule 3 to the CFA 2014 and *S.I. 2010/1158*. Section 560A was amended by paragraph 54 of Schedule 3 to CFA 2014 and *S.I. 2010/1158*.

- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(**60**);
  - (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(**61**);
  - (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**62**);
  - (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**63**);
  - (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(**64**); and
  - (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**65**).
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Any requirement in any enactment for—
- (a) a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority;
  - (b) the Combined Authority to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by a constituent council.
- (5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

## PART 7

### Housing, regeneration and planning

#### **Conferral of functions corresponding to functions that the Homes and Communities Agency has in relation to the Combined Area**

**34.**—(1) The functions of the Homes and Communities Agency (“HCA”)(**66**) which are specified in the following provisions of the 2008 Act, as applied in accordance with article 36(4), are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land);
- (h) section 12 (powers in relation to, and for, statutory undertakers);

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(60) Section 10 was amended by [S.I. 2010/1158](#).

(61) Section 12 was amended by [S.I. 2010/1158](#).

(62) Section 68 was amended by section 28 of the EA 2011 and by [S.I. 2010/1158](#).

(63) Section 70 was amended by section 28 of the EA 2011 and by [S.I. 2010/1158](#).

(64) Section 71 was amended by section 28 of the EA 2011.

(65) Section 85 was amended by [S.I. 2010/1158](#).

(66) The Homes and Communities Agency is a body corporate established by section 1 of the Housing and Regeneration Act 2008.

- (i) section 19 (power to give financial assistance);
- (j) paragraphs 19 and 20 (powers in relation to burial grounds and consecrated land etc.) of Schedule 3 (main powers in relation to land acquired by the HCA); and
- (k) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4 (powers in relation to, and for, statutory undertakers).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objectives of—

- (a) improving the supply and quality of housing in the Combined Area;
- (b) securing the regeneration or development of land or infrastructure in the Combined Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Combined Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Combined Area,

with a view to meeting the needs of people living in the Combined Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function referred to in paragraph (1)(e) requires the consent of a Constituent Council Member appointed by a constituent council whose area contains any part of the land in relation to which the function is to be exercised.

### **Acquisition and appropriation of land for planning and public purposes**

**35.**—(1) The functions of the constituent councils specified in the following provisions of the HA 1985 and the 1990 Act as applied by article 36(3) and (4) are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 8 of the HA 1985 (periodic review of housing needs);
- (b) section 11 of the HA 1985 (provision of board and laundry facilities);
- (c) section 12 of the HA 1985 (provision of shops, recreation and grounds etc.);
- (d) section 17 of the HA 1985 (acquisition of land for housing purposes)<sup>(67)</sup>;
- (e) section 18 of the HA 1985 (duties with respect to buildings acquired for housing purposes);
- (f) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)<sup>(68)</sup>;
- (g) section 227 of the 1990 Act (acquisition of land by agreement);
- (h) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (i) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (j) section 232 of the 1990 Act (appropriation of land held for planning purposes);

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<sup>(67)</sup> Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

<sup>(68)</sup> Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”).

- (k) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(**69**);
- (l) section 235 of the 1990 Act (development of land held for planning purposes);
- (m) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(**70**);
- (n) section 238 of the 1990 Act (use and development of consecrated land);
- (o) section 239 of the 1990 Act (use and development of burial grounds); and
- (p) section 241 of the 1990 Act (use and development of open spaces).

(2) The exercise of the functions in paragraphs (1)(b) to (d) and (f) requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(3) The functions are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise any of the functions described in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

### **Application of provisions of the HA 1985, the 1990 Act and the 2008 Act**

**36.**—(1) This article has effect in consequence of articles 34 and 35.

(2) For the purposes of article 35(1)(a) to (e) the Combined Authority is to be treated as a local housing authority for the Combined Area.

(3) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(4) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the functions specified in article 34(1) as they apply to the HCA and land acquired by the HCA but with the modifications specified in Schedule 4 (modification of the 2008 Act) to this Order.

### **Spatial development strategy**

**37.**—(1) The Combined Authority has, in relation to the Combined Area, functions corresponding to the functions described in the provisions of the 1999 Act specified in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions of the 1999 Act referred to in paragraph (1) are—

- (a) section 334 (the spatial development strategy);
- (b) section 335 (public participation)(**71**);
- (c) section 336 (withdrawal);

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(69) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(70) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(71) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and sections 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to, the 2011 Act.

- (d) section 337 (publication)(72);
- (e) section 338 (examination in public)(73);
- (f) section 339 (review of matters affecting the strategy);
- (g) section 340 (reviews of the strategy);
- (h) section 341 (alteration or replacement);
- (i) section 342 (matters to which the Mayor is to have regard)(74);
- (j) section 346 (monitoring and data collection)(75); and
- (k) section 348 (Mayor’s functions as to planning around Greater London).

(3) The exercise by the Combined Authority of any of the functions corresponding to the functions in sections 334, 335, 336, 337 and 341 of the 1999 Act requires the consent of a Constituent Council Member appointed by a constituent council whose area contains any part of the land in relation to which the function is to be exercised.

(4) The conferral on the Mayor of the duty to produce a Spatial Development Strategy under this Order may only occur by virtue of a unanimous vote in favour by all seven of the Constituent Council members in line with paragraph 2(7)(c) of Schedule 1 to this Order.

#### **Adaptation of enactments in consequence of article 37**

**38.**—(1) This article has effect in consequence of article 37(1).

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 5.

(3) Sections 343 (regulations) and 420 (orders and regulations) of the 1999 Act apply in relation to the functions of the Secretary of State to make regulations by statutory instrument in relation to all or any of the following—

- (a) the form and content of the spatial development strategy published by the Combined Authority;
- (b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;
- (c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 5; and
- (d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 5, in any enactment (whenever passed or made)—

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(72) Section 337 was amended by section 118(2) of, and paragraph 22(1) and (2)(a) and (b) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act and by [S.I. 2000/1435](#).

(73) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, [S.I. 2013/2042](#).

(74) Section 342 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act and sections 109(7) and 237 of, and paragraphs 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(75) Section 346 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 7 to, the 2004 Act.

- (a) any reference to a spatial development strategy; or
- (b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the functions conferred by article 37(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act<sup>(76)</sup> apply in relation to the preparation and publication of a spatial development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 5.

(6) Paragraph (4) does not apply to—

- (a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)<sup>(77)</sup>;
- (b) section 356A of the 1999 Act (London Waste and Recycling Board)<sup>(78)</sup>; and
- (c) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000<sup>(79)</sup>.

## PART 8

### Mayoral development corporations

#### Mayoral development corporations

**39.**—(1) The Combined Authority has, in relation to the Combined Area, functions corresponding to the functions described in the provisions in the 2011 Act specified in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)<sup>(80)</sup>;
- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);

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<sup>(76)</sup> Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph 55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and by section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

<sup>(77)</sup> Section 41 was amended by sections 24, 28, 41, 43 and 44 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of, and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to, the 2011 Act.

<sup>(78)</sup> Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by section 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

<sup>(79)</sup> S.I. 2000/1491.

<sup>(80)</sup> Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14), and S.I. 2014/3184.

- (h) section 216 (transfers of property, rights and liabilities)(**81**);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

#### **Application of provisions in the 2011 Act**

**40.**—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 6.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 6.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 17, 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

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(81) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**82**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**83**);
- (c) section 38 of the 1999 Act (delegation)(**84**);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor or Mayor’s office for policing and crime)(**85**);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(**86**);
- (f) section 73 of the 1999 Act (monitoring officer)(**87**);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)(**88**);
- (h) section 424 of the 1999 Act (interpretation)(**89**);
- (i) section 24(4) of the 2004 Act (conformity with spatial development strategy)(**90**); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(**91**).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

### **Mayoral development corporation: incidental provisions**

**41.**—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(**92**); and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) insofar as they have effect for the purposes of section 1.

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(82) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(83) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 (c. 7) and by S.I. 2012/1530.

(84) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, and section 28 of the Growth and Infrastructure Act 2013 (c. 27) and S.I. 2001/2237.

(85) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011 (c. 13), paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, and by S.I. 2008/2038.

(86) Section 68(6) was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(87) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and by S.I. 2000/1435.

(88) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017 (c. 20).

(89) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and by S.I. 2009/1941.

(90) Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(91) 2008 c. 18. Paragraph 8 of Schedule 2 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(92) Section 1 was amended by section 80 of the 1972 Act, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”).



(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(93) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act (application to Greater London Authority) applies in relation to expenditure of a Corporation but as if—

- (a) each reference to a functional body were a reference to a Corporation;
- (b) each reference to the Greater London Authority were a reference to the Combined Authority;
- (c) each reference to the Mayor of London were a reference to the Mayor; and
- (d) subsection (7) were omitted.

## PART 9

### Mayoral functions and funding

#### Functions

**42.**—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are—

- (a) the functions of the Combined Authority corresponding to those specified in—
  - (i) section 17 of the HA 1985 (acquisition of land for housing purposes) insofar as they are exercisable for the purpose of acquiring land compulsorily in accordance with section 17(3); and
  - (ii) section 9(2) of the 2008 Act (acquisition of land);
- (b) the functions of the Combined Authority corresponding to those specified in sections 334 to 342 and 346 of the 1999 Act;
- (c) the functions of the Combined Authority corresponding to those specified in the following provisions of the 2000 Act—
  - (i) section 108 (local transport plans);
  - (ii) section 109 (further provision about plans: England);
  - (iii) section 112 (plans and strategies: supplementary);
  - (iv) section 154(1) (grants to bus service operators);
- (d) the power to pay grants under section 31 of the 2003 Act (power to pay grant);
- (e) the functions of the Combined Authority corresponding to the functions specified in the following provisions of the 2011 Act—
  - (i) section 197 (designation of mayoral development areas);
  - (ii) section 199 (exclusion of land from Mayoral development areas);
  - (iii) section 200 (transfer of property etc. to a Mayoral development corporation);

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(93) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of S.I. 2001/2237.

- (iv) section 202 (functions in relation to Town and Country Planning);
  - (v) section 204 (removal or restriction of planning functions);
  - (vi) sections 214 to 217;
  - (vii) sections 219 to 221; and
  - (viii) paragraphs 1 to 4, 6 and 8 of Schedule 21 (Mayoral Development Corporations);
- (f) the functions conferred by article 45 of this Order (conferral of the Business Rates Supplements functions).

(3) The exercise by the Mayor of the functions specified in paragraph (2)(a) requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(4) The exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) of the 2011 Act (designation of Mayoral development areas) requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(5) The exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(6) The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the Northumberland National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Northumberland National Park; and
- (b) each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(7) The exercise by the Mayor of any other function requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised if it would lead to a financial liability falling directly upon that constituent council or if the requirement for such consent is specified in the Combined Authority's constitution (see Schedule 1).

(8) Members and officers of the Combined Authority may assist the Mayor in the exercise of the functions referred to in paragraph (2).

(9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or Combined Authority).

(10) The Mayor may not delegate any of their functions to their political adviser appointed under article 17.

### **Joint committees**

**43.—**(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the 1972 Act for the

discharge of the general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 42(94).

(2) In this article “other council” means the council for a county or district in England, or another combined authority.

### **Funding**

**44.**—(1) Subject to paragraph (2) and article 26 (funding in respect of transport functions – levy), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions referred to in article 42(1) to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal shares between the constituent councils.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred;

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992(95) is to be disregarded from any calculation of the costs of the expenditure.

### **Conferral of the Business Rate Supplements functions**

**45.**—(1) The Combined Authority has, in relation to the Combined Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the Business Rate Supplements Act 2009 (“the BRSA”)(96).

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRSA.

### **Modification of BRSA in consequence of article 45**

**46.** For the purposes of article 45, the BRSA (as defined in that article) applies to the Combined Authority as if—

(a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRSA included references to the Combined Authority;

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(94) By virtue of section 101(1) of the 1972 Act, and subject to sections 101(1A) to (1E) and (10) of that Act or other express provision made by the 1972 Act or any subsequent Act, the Combined Authority may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Combined Authority, whilst further to section 101(5) of the 1972 Act, the Combined Authority may enter into joint arrangements with other local authorities in relation to the discharge of any of its functions. “Local authority” includes a combined authority (section 101(13)).

(95) 1992 c. 14.

(96) 2009 c. 7.

- (b) references in that Act to a lower-tier authority include references to a constituent council whose area forms part of the Combined Area.

## PART 10

### Additional functions and incidental provision

#### Other functions

**47.**—(1) The functions of the constituent councils described in the provisions specified in paragraph (2) are exercisable by the Combined Authority in relation to the Combined Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 144 of the 1972 Act (the power to encourage visitors and provide conference and other facilities)(**97**);
- (b) section 145 of the 1972 Act (provision of entertainments)(**98**); and
- (c) section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

(3) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions specified in paragraph (2) apply to the Combined Authority as they apply to a constituent council.

#### Incidental provisions

**48.**—(1) The provisions specified in paragraph (2) have effect in relation to the Combined Authority as if the Combined Authority were a local authority for the purposes of those provisions.

(2) The provisions referred to in paragraph (1) are—

- (a) section 113 of the 1972 Act (placing staff at the disposal of other local authorities)(**99**);
- (b) section 142(2) of the 1972 Act (power to arrange for publication information etc relating to the functions of the authority)(**100**); and
- (c) section 222 of the 1972 Act (power to prosecute and defend legal proceedings)(**101**).

(3) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(**102**) whether or not a scheme is made under that section.

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(97) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of, and Schedule 34 to, the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985 (c. 51). There are other amendments which are not relevant to this instrument.

(98) Section 145 was amended by section 198 of, and paragraph 59 of Schedule 6 to, the Licensing Act 2003 (c. 17).

(99) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19), by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, paragraph 45 of Schedule 14 and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(100) Section 142(2) was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.

(101) To which there are amendments not relevant to this instrument.

(102) 1985 c. 51; section 88 was amended by section 396 of the 1999 Act.

(4) For the purposes of paragraph (3) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the Combined Area.

(5) The functions of the constituent councils under section 1 of the 2011 Act, to the extent that those functions are exercisable for the purpose of economic development and regeneration, are exercisable by the Combined Authority in relation to the Combined Area.

### Modification of section 13 of the 1989 Act

**49.** Section 13 of the 1989 Act (voting rights of members of certain committees: England and Wales)(**103**) has effect in relation to the Combined Authority as if—

(a) in subsection (4), after paragraph (e) there were inserted—

“(ea) subject to subsection (4A), a committee appointed by the North East Mayoral Combined Authority;”; and

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee must for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils within the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

### Amendment of the Local Government Pension Scheme Regulations 2013

**50.**—(1) Column 1 of the table in Part 2 of Schedule 3 (appropriate administering authority) to the Local Government Pension Scheme Regulations 2013(**104**) is amended in accordance with paragraph (2).

(2) For the entry beginning “An employee of the following combined authorities” substitute—

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“An employee of the North East Mayoral Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

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### Data sharing

**51.**—(1) The functions of the constituent councils under section 17A of the Crime and Disorder Act 1998 (sharing of information)(**105**) are exercisable by the Combined Authority in relation to the Combined Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998(**106**).

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**(103)** Section 13 was amended by paragraph 1 of Part 2 of Schedule 21 and paragraph 96 of Part 1 of Schedule 37 to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Part 1 of Schedule 9 to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Part 1 of Schedule 37 and by paragraph 1 of Part 1 of Schedule 38 to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Part 4 of Schedule 5 to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by section 7 of the Policing and Crime Act 2017 (c. 3), by S.I. 2001/1517; and by S.I. 2010/1158.

**(104)** S.I. 2013/2356.

**(105)** 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

**(106)** Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); paragraph 238 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); sections 6 and 9 of and paragraph

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

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

## SCHEDULE 1

Article 6

### Constitution

#### Membership

1.—(1) Each constituent council must appoint to the Combined Authority—

- (a) one of its elected members to be a member of the Combined Authority (a “Constituent Council Member”);
- (b) two other elected members, either of whom may act as a member of the Combined Authority in the absence of the Constituent Council Member (a “Substitute Constituent Council Member”).

(2) The Combined Authority must appoint as a member of the Combined Authority a person whom it considers to be a representative of business interests within the Combined Area and that person is to be the chair of the Business Board (the “Business Board Member”).

(3) The Combined Authority must also appoint a person (the “Substitute Business Board Member”) whom it considers to be a representative of business interests within the Combined Area who is to act as a member of the Combined Authority in the absence of the Business Board Member.

(4) The Combined Authority must appoint as a member of the Combined Authority a person (the “CVS Member”) whom it considers to be a representative of the community and voluntary sector within the Combined Area.

(5) The Combined Authority must also appoint a person (the “Substitute CVS Member”) whom it considers to be a representative of the community and voluntary sector within the Combined Area who is to act as a member of the Combined Authority in the absence of the CVS Member.

(6) A person ceases to be a Constituent Council Member or a Substitute Constituent Council Member if—

- (a) they resign from the Combined Authority;
- (b) they cease to be a member of the constituent council that appointed them;
- (c) the constituent council that appointed them terminates their appointment,

and where the appointment is terminated under paragraph (b) or (c) the constituent council must give written notice to the Combined Authority and such termination takes effect 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.

(7) Where a person ceases to be a Constituent Council Member or Substitute Constituent Council Member, the constituent council that appointed them must, as soon as reasonably practicable, appoint another of its elected members to be a Constituent Council Member or, as the case may be, Substitute Constituent Council Member and such appointment takes effect 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 may be specified in the notice.

(8) A person ceases to be a Business Board Member or Substitute Business Board Member if—

- (a) they resign from the Combined Authority; or
- (b) the Combined Authority terminates their appointment.

(9) Where a person ceases to be a Business Board Member or Substitute Business Board Member, the Combined Authority must, as soon as reasonably practicable, appoint another person from the Business Board to fill the vacancy.

(10) A person ceases to be a CVS Member or Substitute CVS Member if—

- (a) they resign from the Combined Authority; or

(b) the Combined Authority terminates their appointment.

(11) Where a person ceases to be a CVS Member or Substitute CVS Member, the Combined Authority must, as soon as reasonably practicable, appoint another person to be a CVS Member or, as the case may be, Substitute CVS Member.

(12) The Mayor must appoint one of the Constituent Council Members to be the Deputy Mayor.

(13) Where a Constituent Council Member acts as the Deputy Mayor then one of the Substitute Constituent Council Members appointed by the relevant constituent council may act as its Constituent Council Member in any proceedings of the Combined Authority.

(14) For the purposes of this Order, an elected Mayor of a constituent council is to be treated as an elected member of the constituent council.

(15) Other than in this paragraph, any reference in this Order to—

(a) a Constituent Council Member includes a Substitute Constituent Council Member acting in the absence of the Constituent Council Member;

(b) a Business Board Member includes a Substitute Business Board Member acting in the absence of the Business Board Member;

(c) a CVS Member includes a Substitute CVS Member acting in the absence of the CVS Member; and

(d) the Mayor includes the Deputy Mayor acting in the absence of the Mayor.

(16) For the purposes of this Schedule, “Business Board” means an informal group of representatives to be appointed by the Combined Authority, the purpose of which is to share with the Combined Authority the view of business interests in the Combined Area.

## **Proceedings**

2.—(1) No business may be transacted at a meeting of the Combined Authority unless the following members are present—

(a) the Mayor; and

(b) five or more Constituent Council Members.

(2) Each of the following persons (a “Voting Member”) has one vote—

(a) the Mayor;

(b) each Constituent Council Member.

(3) None of the Voting Members has a casting vote.

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

(5) Subject to sub-paragraphs (6) to (11), all decisions put to the vote are to be determined by a simple majority of the Voting Members present and voting on that matter.

(6) A decision on a question relating to any allowance payable to the Mayor under paragraph 5(3) is to be decided by a majority of the Voting Members present excluding the Mayor.

(7) Where one of the matters described in paragraphs (a) to (e) is put to the vote, that vote will only be carried upon the unanimous support of the Mayor and each of the seven Constituent Council Members—

(a) approval of, and any amendment to, the Combined Authority’s annual budget excluding those elements of the annual budget which relate to Mayoral functions;

(b) approval of, and any amendment to, the setting of any levy which the Combined Authority shall apply to any constituent council;

(c) agreement to confer upon the Mayor a duty to produce a Spatial Development Strategy;



- (d) approval or amendment of the Combined Authority’s constitution or standing orders;
- (e) approval or amendment of such other plans and strategies as may be determined by the Combined Authority and set out in its constitution or standing orders.

(8) Where under sub-paragraph (7)(c) there has been the necessary unanimous agreement, the adoption of the Spatial Development Strategy requires the support of at least four Constituent Council Members.

(9) Reference to a two thirds majority in article 8(4) (combined authority’s decisions on budget) of the Combined Authorities (Finance) Order 2017(107) as it applies in relation to the Combined Authority is to be read as a reference to a five-sevenths majority of the Constituent Council Members.

(10) Any decision of the Combined Authority to amend the Local Transport Plan is passed if voted for by a simple majority of the Constituent Council Members present at a meeting of the Combined Authority.

(11) Any decision that might lead to a financial liability falling directly upon a constituent council may only be passed if the majority in favour includes the Constituent Council Member, or their respective Substitute Constituent Council Member, of the constituent council affected.

(12) Save for those matters identified in paragraph 3, where the Mayor votes against a decision carried by virtue of the support of the other members of the Combined Authority present, the Mayor may seek a review of that decision by making an application to the Combined 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 in issue.

(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 only have effect where the Mayor is in office.

(17) In this paragraph, “monitoring officer” means the officer designated by the Combined Authority under section 5(1) of the 1989 Act.

### **Majority including the Mayor**

**3.—(1)** Any questions that are to be decided by the Combined Authority on the exercise of the functions described in sub-paragraph (2) and which are not functions solely exercisable by the Mayor pursuant to article 42 are to be decided by a majority of the Voting Members present and voting on that question at a meeting of the Combined Authority, and such majority is to include the Mayor.

(2) The functions described in this sub-paragraph are those functions conferred onto the Combined Authority by this Order that had not been previously conferred by an enactment on the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

## Remuneration

4.—(1) Subject to sub-paragraphs (3) and (4), 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 Constituent Council 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 if—

- (a) the Combined Authority has considered a report published by an independent remuneration panel established by the Combined Authority or by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**108**) which contains recommendations for such an allowance; and
- (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

(4) The Combined Authority may also make payments to a member of a constituent council in accordance with an order made under paragraph 3(2)(aa) (power by order to make further provision about overview and scrutiny committees) or 4(3)(c) (power by order to make further provision about audit committees) of Schedule 5A (combined authorities: overview and scrutiny committees and audit committees) to the 2009 Act(**109**).

## The combined authority's overview and scrutiny committee

5.—(1) The Combined Authority must appoint an overview and scrutiny committee that includes an equal number of members from each constituent council.

(2) An overview and scrutiny committee appointed by the Combined Authority must not include any Constituent Council Member, or Substitute Constituent Council Member, of the Combined Authority.

(3) The Combined Authority must appoint an appropriate person to be the chair of the committee.

## The Combined Authority's Audit Committee

6. The Combined Authority must appoint an Audit Committee(**110**) that includes—

- (a) an equal number of members from each constituent council; and
- (b) one independent person appointed by the Combined Authority who is to chair the Audit Committee.

## 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.

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(108) S.I. 2003/1021.

(109) Schedule 5A was inserted by Schedule 3 to the Cities and Local Government Devolution Act 2016 (c. 1). Paragraph 3(2)(aa) and paragraph 4(3)(c) were inserted by section 70 of the Levelling-up and Regeneration Act 2023 (c. 55).

(110) See further article 14 of S.I. 2017/68 which makes provision in respect of the appointment of members to an audit committee.

(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.

### 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.

## SCHEDULE 2

Article 20(6) and 22(4)

### Adaptation of certain transport-related legislation

## PART 1

### Amendment of miscellaneous transport-related legislation

#### Amendments to the Transport Act 1968

1. In section 9 of the Transport Act 1968(111) (areas, authorities, and executives)—
  - (a) in subsection (1)(b)(ia), omit “(except as mentioned in sub-paragraph (ib))”;
  - (b) omit subsection (1)(b)(ib);
  - (c) for subsection (1)(c)(ie) substitute—

“(ie) in relation to the area of the North East Mayoral Combined Authority, the Tyne and Wear Passenger Transport Executive;”;
  - (d) omit subsections (6C) and (6D).

#### Amendments to the Transport Levying Bodies Regulations 1992

- 2.—(1) The Transport Levying Bodies Regulations 1992(112) are amended as follows.
- (2) In regulation 2 (interpretation)—
  - (a) omit the definitions of “the 2014 Order” and “the 2018 Order”;

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(111) Section 9 was amended by paragraph 1 of Schedule 18 to the Local Government (Scotland) Act 1973 (c. 65); by sections 57 and 58 of, paragraph 3 of Schedule 3 to and Schedule 8 to the Transport Act 1985 (c. 67); by paragraph 80 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39); by section 49 and Schedule 8 to the Deregulation Act 2015 (c. 20) and in relation to England and Wales only by section 98 of, paragraph 2 of Schedule 4 to and Part 4 of Schedule 7 to the Local Transport Act 2008 (c. 26) and by S.I. 2011/908, 2014/864, 866, 2016/653 and 2018/1133.

(112) S.I. 1992/2789; relevant amendments are S.I. 2012/213, 2914, 2015/27, 2017/603, 2018/641 and 2018/1133.

- (b) in the definition of “combined authority”—
  - (i) omit “(ae),”; and
  - (ii) for “(ai)” substitute “(aj)”.
- (3) In regulation 3 (application)—
  - (a) omit paragraphs (ae) and (ai);
  - (b) after paragraph (ai) insert—
    - “(aj) the North East Mayoral Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”.
- (4) In regulation 7 (apportionment of levies), in paragraph (4)—
  - (a) omit sub-paragraphs (ab) and (ae);
  - (b) after sub-paragraph (ae) insert—
    - “(af) in the case of the levies to be issued pursuant to article 26 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024, in accordance with regulation 7B;”.
- (5) For regulation 7B (calculation and apportionment of levies issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority) substitute—

**“Calculation and apportionment of levies issued by the North East Mayoral Combined Authority**

**7B.**—(1) The amounts of the levies to be issued by the North East Mayoral Combined Authority (“the Authority”) under article 26(2) of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (“the 2024 Order”) to their constituent councils for the financial year 2025 to 2026, or any subsequent financial year, are to be determined by the Authority in accordance with the following provisions of this regulation.

(2) The Authority must apportion the estimated relevant expenditure of the Authority for the financial year in question between—

- (a) expenditure which the Authority estimates will be attributable to the exercise of the Authority’s functions in relation to the county of Tyne and Wear (“the Tyne and Wear component”);
- (b) expenditure which the Authority estimates will be attributable to the exercise of the Authority’s functions in relation to the county of Durham (“the Durham component”); and
- (c) expenditure which the Authority estimates will be attributable to the exercise of the Authority’s functions in relation to the county of Northumberland (“the Northumberland component”).

(3) The Tyne and Wear component must be met by means of the levy issued to the councils for the local government areas of Gateshead, Newcastle Upon Tyne, North Tyneside, South Tyneside and Sunderland under article 26(2)(a) of the 2024 Order.

(4) The Durham component must be met by means of the levy issued to Durham County Council under article 26(2)(b) of the 2024 Order.

(5) The Northumberland component must be met by means of the levy issued to Northumberland County Council under article 26(2)(c) of the 2024 Order.

(6) Where, in respect of any financial year, the Authority estimates that the apportionment of its actual expenditure between the Tyne and Wear component, Durham component and Northumberland component will differ from that estimated under paragraph (2), the Authority

must make appropriate adjustments to its estimates under paragraph (2) for the following financial year.

(7) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies referred to in paragraph (3) to (5) reflect the actual expenditure of the Authority on the Tyne and Wear component, Durham component and Northumberland component.

(8) The proportions in which the levy issued to the councils under paragraph (3) is to be shared among those councils are to be determined in the same way as proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.”

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

**3.** In regulation 2 of the Sub-national Transport Body (Transport for the North) Regulations 2018(**113**), in the definition of “constituent authorities”—

- (a) omit “The Durham, Gateshead, South Tyneside and Sunderland Combined Authority”;
- (b) omit “Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority”;
- (c) insert in the appropriate place—  
“North East Mayoral Combined Authority”.

## **PART 2**

### **Permit schemes: modification of Part 3 of the TMA**

**4.—(1)** Part 3 of the TMA is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—  
“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority shall not have effect in the Combined Area unless the Combined Authority gives effect to it by order.”; and
- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may by order vary or revoke a permit scheme to the extent that it has effect in the Combined Area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”

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(113) S.I. 2018/103, amended by S.I. 2018/1133; there are other amendments but none is relevant to these Regulations.

## SCHEDULE 3

Article 32

Modification of provisions in ASCLA in their application in relation to the Combined Authority

1. All references to provisions in this Schedule are to provisions in ASCLA.
2. Section 86 has effect as if—
  - (a) in subsection (1), for each reference to “Secretary of State” there were substituted “Combined Authority”;
  - (b) subsection (1)(b) were omitted but not “and” at the end;
  - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
  - (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
  - (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
  - (f) in subsection (7), “or (b),” were omitted.
3. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
4. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
5. Section 90 has effect as if—
  - (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
  - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
  - (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted a reference to “Combined Authority’s remit”.
6. Section 100 has effect as if—
  - (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
  - (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
  - (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
7. Section 101(114) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
8. Section 103(115) has effect as if—
  - (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (b) the words “or (1A)” were omitted.
9. Section 115 has effect as if—

(114) Section 101 was amended by paragraph 3 of Part 1 of Schedule 1 to the Deregulation Act 2015 (c. 20).

(115) Section 103 was amended by paragraph 4 of Part 1 of Schedule 1 to the Deregulation Act 2015.

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
  - (b) in subsection (2)(a), “, and” were omitted; and
  - (c) in subsection (2), paragraph (b) were omitted.
- 10.** Section 121 has effect as if—
- (a) in subsection (1), there were inserted at the appropriate place—
    - ““the Combined Authority” means the North East Mayoral Combined Authority, a body corporate established under the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;
  - (b) in subsection (2)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted “Combined Authority’s remit”; and
    - (ii) in paragraph (a), the words “or (b)” were omitted; and
  - (c) in subsection (3)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted “Combined Authority’s remit”; and
    - (ii) paragraphs (a) and (aa) were omitted.

## SCHEDULE 4

Article 36

### Modification of the 2008 Act

## PART 1

### Modification of the application of Chapter 1 and Chapter 2 of Part 1 of the 2008 Act

**1.—(1)** Chapter 1 and Chapter 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) and 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 (however expressed) there were substituted a reference to “Part 6 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024”; and
- (c) land acquired or held by the HCA there were substituted a reference to 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 the definition of “notice” there were inserted—

““Combined Authority” means the Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”.

## 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 each reference to “section 9” of that Act there were substituted a reference to “article 34 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024”.

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

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for each reference to “the HCA” there were substituted a reference to “the Combined Authority”.

## SCHEDULE 5

Article 38

### Spatial development strategy

## PART 1

### Modification of the application of Part 8 of the 1999 Act

1.—(1) Part 8 of the 1999 Act (planning) is modified in accordance with the following provisions.

(2) Part 8 of the 1999 Act has effect as if—

(a) sections 344 (amendments of the Town and Country Planning Act 1990), 345 (Town and Country Planning Act 1990: costs of appeals) and 349 (abolition of joint planning committee for Greater London) were omitted;

(b) for each reference to—

(i) “Greater London” there were substituted a reference to “the Combined Area”;

(ii) “the Mayor” there were substituted a reference to “the Combined Authority”;

(iii) “he” there were substituted a reference to “the Combined Authority”, save for the reference in section 337(6) (publication);

(iv) “under section 343” there were substituted “relating to the Combined Authority under section 343”.

(3) Section 334 of the 1999 Act (the spatial development strategy) has effect as if—

(a) in subsection (3) for “his” there were substituted “its”;

(b) for subsection (4) there were substituted—

“(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the Combined Authority’s other policies or proposals as involve considerations of spatial development.”.

(4) Section 335 of the 1999 Act (public participation) has effect as if—

(a) in subsection (2)(a) for “his” there were substituted “its”;

(b) subsection (3)(aa) were omitted;



- (c) in subsection (3)(b), for “London borough council” there were substituted “constituent council”;
- (d) in subsection (4), for the words from “bodies of each” to the end there were substituted—
  - “—
  - (a) voluntary bodies some or all of whose activities benefit the whole or part of the Combined Area;
  - (b) bodies which represent the interests of different racial, ethnic or national groups in the Combined Area;
  - (c) bodies which represent the interests of different religious groups in the Combined Area; and
  - (d) bodies which represent the interests of different persons carrying on business in the Combined Area.”;
- (e) for subsection (8) there were substituted—
  - “(8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations relating to the Combined Authority made under section 343 below.”.
- (5) Section 336 of the 1999 Act (withdrawal) has effect as if in subsection (3)—
  - (a) paragraph (a) were omitted; and
  - (b) paragraph (b) were omitted.
- (6) Section 338 of the 1999 Act (examination in public) has effect as if in subsection (9) for “The Authority” there were substituted “The North East Mayor”.
- (7) Section 339 (review of matters affecting the strategy) has effect as if in subsection (2) for “his” there were substituted “its”.
- (8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) has effect as if—
  - (a) for subsection (1) there were substituted—
    - “(1) In exercising its functions under the preceding provisions of this Part, the Combined Authority must have regard to—
    - (a) the National Planning Policy Framework;
    - (b) the effect that the proposed spatial development strategy or revision would have on—
      - (i) the health of persons in the Combined Area;
      - (ii) health inequalities between persons living in the Combined Area;
      - (iii) the achievement of sustainable development in the United Kingdom;
      - (iv) climate change and the consequences of climate change;
      - (v) the need to ensure that the strategy is consistent with national policies; and
    - (c) such other matters as the Secretary of State may prescribe.”; and
  - (b) subsection (2) were omitted.
- (9) Section 347 of the 1999 Act (functional bodies to have regard to the strategy) has effect as if for that section there were substituted—

**“347. Constituent councils to have regard to the strategy**

**347.** In exercising any function, each of the constituent councils and the Combined Authority must have regard to the spatial development strategy, but this is without prejudice

to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 5 to the North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (which requires certain documents of a constituent council to be in general conformity with the strategy).”.

(10) Section 348 of the 1999 Act (Mayor’s functions as to planning around Greater London) has effect as if—

- (a) in subsections (1), (2) and (3) for “his” there were substituted “its”;
- (b) in subsection (3), for “London borough councils” there were substituted “constituent councils”; and
- (c) in subsection (4), for “the Authority” there were substituted “the Combined Authority”.

(11) Section 350 of the 1999 Act (interpretation of Part 8) has effect as if—

- (a) the following definitions were inserted, in the appropriate places—
  - ““the Combined Area” means the area of the Combined Authority as specified in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;
  - ““the Combined Authority” means the Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;
  - ““constituent councils” has the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;
  - ““the North East Mayor” is the person elected to the position established by article 14 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;
- (b) subsection (2) were omitted.

## PART 2

### Modification of the application of the 2004 Act

**2.—**(1) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act are modified in accordance with the following provisions.

- (2) Section 19 of the 2004 Act has effect as if for subsection (2)(c) there were substituted—
  - “(c) the spatial development strategy if the authority is a constituent council of the Combined Authority or if any of the authority’s area adjoins the Combined Area;”.
- (3) Section 24 of the 2004 Act has effect as if—
  - (a) for subsection (1)(b) there were substituted—
    - “(b) the spatial development strategy if the authority is a constituent council of the Combined Authority.”;
  - (b) after subsection (4) there were inserted—
    - “(4A) A local planning authority which is a constituent council of the Combined Authority—
      - (a) must request the opinion in writing of the Combined Authority as to the general conformity of a development plan document with the spatial development strategy;

- (b) may request the opinion in writing of the Combined Authority as to the general conformity of any other local development document with the spatial development strategy.”;
- (c) after subsection (5) there were inserted—
- “(5A) The Combined Authority may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A).”; and
- (d) in subsection (7) for each reference to “the Mayor” there were substituted “the North East Mayor”.
- (4) Section 37 of the 2004 Act has effect as if after subsection (6A)(116) there were inserted—
- “(6B) In relation to the Combined Authority, in this section—
- “Combined Area” has the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “the Combined Authority” means the Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “constituent council” has the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “the North East Mayor” is the person elected to the position of Mayor by virtue of article 14 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 37 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.
- (5) Section 38 of the 2004 Act has effect as if—
- (a) after subsection (2) there were inserted—
- “(2A) For the purposes of any area in the Combined Area the development plan is—
- (a) the spatial development strategy;
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and
- (c) the neighbourhood development plans which have been made in relation to that area.”;
- (b) after subsection (10) there were inserted—
- “(11) In this section—
- “Combined Area” has the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “the Combined Authority” means the Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;
- “spatial development strategy”, in relation to the combined authority, means a strategy established by the Combined Authority in exercise of powers under article 37 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.
- (6) Section 113 of the 2004 Act has effect as if—

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(116) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

- (a) in subsection (1)(f), after “the Mayor of London’s”, there were inserted “, or the Combined Authority’s,”;
- (b) in subsection (11)(e), after “the Mayor of London”, there were inserted “, or the Combined Authority,”;
- (c) after subsection (12), there were inserted—

“(12A) In this section “the Combined Authority” means the combined authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

## SCHEDULE 6

Article 40

### Modification of the application of Part 8 of the 2011 Act

#### **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—
  - (a) the definitions of “the Mayor” and “MDC” were omitted;
  - (b) in the appropriate places there were inserted—

““the Combined Authority” means the Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024;”;

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

““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;”;

““Northumberland National Park authority” means the National Park authority for the Northumberland 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 references 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 Authority”; and

- (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
  - (d) in subsection (3)(e)—
    - (i) for “the Mayor”, in both places, there were substituted “the Mayor for the Combined Authority”; 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 “London borough council whose borough contains any part of the area” there were substituted “district council whose local government area contains any part of the Combined 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 “the Northumberland National Park Authority if any part of the Combined Area is within the Northumberland 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 each 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)”; and
  - (b) in subsection (2) for “the Mayor”, in both places, there were substituted “the North East Mayor”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
    - (i) in paragraph (a), for “a London borough council” there were substituted “a district council whose local government area is 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 “in the Combined Area”;
    - (iv) paragraph (k) were omitted;
  - (b) in subsection (4), paragraph (b) were omitted; and
  - (c) in subsection (10), the definitions of “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 North East Mayor”;
  - (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 local authority” for “(d), (e), (f) or (g)” there were substituted “(d) or (e)”
- (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 the Northumberland National Park Authority”;
  - (b) in subsections (1) and (5), for each reference to “that council” there were substituted “that council or the Northumberland National Park Authority;” and
  - (c) in subsection (2) for the reference to “a council” there were substituted “a council or the Northumberland 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 “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 North East Mayor”;
  - (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 whose local government area is wholly or partly in the Combined Area”; and
- (c) in subsection (4) the definition of “affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
- (i) the definition of “functional body” were omitted;
- (ii) in the definition of “permitted recipient”—
- (aa) paragraph (b) were omitted;
- (bb) in paragraph (d) for “a London borough council” there were substituted “a district council whose local government area is wholly or partly within the Combined Area”; and
- (cc) paragraph (e) were omitted.
- (14) Schedule 21 to the 2011 Act (Mayoral development corporations) applies 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”;
- (iii) “an MDC” there were substituted “the Corporation”, except for the references in paragraphs 1(5) and 3;
- (b) in paragraph 1(1) for—
- (i) “A Mayoral development corporation (“MDC”)” there were substituted “A Corporation”; and
- (ii) the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
- (c) in paragraph 1(2) for “each relevant London council” there were substituted “each relevant district council”;
- (d) 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”;
- (e) in paragraph 1(5) for—
- (i) “an MDC” in the opening words there were substituted “a Corporation”; and
- (ii) “MDC’s” in sub-paragraph (a) there were substituted “Corporation’s”;
- (f) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
- (g) in paragraph 3 for—
- (i) “an MDC” there were substituted “a Corporation”;
- (ii) “An MDC’s” in both places there were substituted “A Corporation’s”; and
- (iii) “the MDC’s” there were substituted “the Corporation’s”;
- (h) in paragraph 4(4) for “the London Assembly” there were substituted “the Combined Authority”;

- (i) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
  - (j) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.
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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order abolishes the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, and revokes the legislation establishing those Authorities ([S.I. 2014/1012](#) and [S.I. 2018/1133](#) respectively). This Order establishes the North East Mayoral Combined Authority (“the Combined Authority”) in their place, further to powers under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”). The Combined Authority is established on 7 May 2024.

Part 6 of the 2009 Act provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order establishes the Combined Authority and provides for there to be a mayor for the area of the Combined Authority. Schedule 1 to the Order makes provision about the constitution of the Combined Authority.

Part 3 of the Order provides for the transfer to the Combined Authority of certain of the assets and liabilities etc. of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, whilst also making provision for the transfer of staff from those Authorities to the Combined Authority, and other matters relating to continuity.

Part 4 of the Order provides for the cancellation of the election for the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, and for the election of the first Mayor for the area of the Combined Authority to take place on 2nd May 2024. The new Mayor will take up office on 7th May 2024.

Part 5 of the Order concerns the transport functions of the Combined Authority, which are to be transferred to it from the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

Part 6 of the Order confers on the Combined Authority functions in relation to education, skills and training.

Part 7 of the Order confers on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 8 of the Order confers on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area.

Part 9 of the Order makes additional provision for the Mayor for the area of the Combined Authority and funding by, amongst other things, setting out the functions of the Combined Authority which



are to be only exercisable by the Mayor, and making provision for the funding of the costs of the Combined Authority and the Mayor.

Part 10 of the Order makes further miscellaneous provision in relation to the establishment of the Combined Authority.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sectors. The impact on the public sector is that conferring functions on the Combined Authority should lead to operational efficiencies that could lead to reduced costs.