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STATUTORY INSTRUMENTS

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**2023 No. 1432**

The York and North Yorkshire Combined Authority Order 2023

PART 6

Additional functions

**Incidental provisions**

**26.**—(1) The following provisions of the Local Government Act 1972<sup>(1)</sup> have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 113 (the power to place staff at the disposal of other local authorities);
- (b) section 142(2) (the power to arrange for publication of information etc relating to the functions of the Combined Authority);
- (c) section 144 (the power to encourage visitors and provide conference and other facilities);
- (d) section 145 (the power to provide and support cultural activities and entertainments); and
- (e) section 222 (power to prosecute and defend legal proceedings).

(2) 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<sup>(2)</sup> (research and collection of information) whether or not a scheme is made under that section.

(3) For the purposes of paragraph (2), 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 Area.

(4) Section 13 of the 1989 Act (voting rights of members of certain committees)<sup>(3)</sup> has effect as if—

- (a) in subsection (4) after paragraph (h) there were inserted—
  - “(i) subject to subsection (4A), a committee appointed by the York and North Yorkshire Combined Authority.”;
- (b) after subsection (4) there were inserted—
  - “(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall 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.”.

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(1) 1972 c. 70.

(2) 1985 c. 51.

(3) Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994; by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) 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 Schedule 5(4) 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 Schedule 22(4) 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 S.I. 2001/1517; by section 7 of the Policing and Crime Act 2017; and by S.I. 2010/1158.

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**Changes to legislation:** There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, Section 26. (See end of Document for details)

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(5) In Part 2 of Schedule 3 to the Local Government Pension Scheme Regulations 2013(4), in the table insert at the end—

“An employee of the York and North Yorkshire Combined Authority established by the York and North Yorkshire Combined Authority Order 2023	North Yorkshire Council”.
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(6) 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 Area.

(7) The functions referred to in paragraph (6) are exercisable concurrently with the constituent councils.

(8) 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.

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**Commencement Information**

**II** Art. 26 in force at 20.12.2023, see [art. 1\(2\)](#)

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(4) [S.I. 2013/2356](#). There are amendments to Part 2 which are not relevant to this instrument.

**Changes to legislation:**

There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, Section 26.