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STATUTORY INSTRUMENTS

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**2024 No. 402**

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

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>(1)</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>(2)</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>(3)</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.

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<sup>(1)</sup> 2008 c. 26.

<sup>(2)</sup> See section 77 of the Local Transport Act 2008 (c. 26) which makes provision in relation to integrated transport authorities.

<sup>(3)</sup> 1985 c. 67.

### 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)—

- (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)(4) 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)(5) 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(6);
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act.

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(4) 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.

(5) 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.

(6) 1980 c. 66.

(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)(7);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(8); and
- (c) section 36 (variation and revocation of permit schemes)(9).

(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(10);
- (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(11) (duties of local authorities in relation to measures designed to promote road safety and studies into vehicular accidents arising, etc)(12) are exercisable by the Combined Authority in relation to the Combined Area.

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(7) Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c. 20).

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

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

(10) S.I. 2007/3372.

(11) 1988 c. 52.

(12) 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).

(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.

### **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>(13)</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>(14)</sup>;

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<sup>(13)</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>(14)</sup> S.I. 2022/71.

“the Appeals and Representations Regulations” means the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022<sup>(15)</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;

“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>(16)</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>(17)</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;

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<sup>(15)</sup> S.I. 2022/576.

<sup>(16)</sup> 1988 c. 41.

<sup>(17)</sup> S.I. 1992/2789.

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- (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.

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

**28.**—(1) Section 113 (role of metropolitan district councils)(**18**) 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”.

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(18) 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.