STATUTORY INSTRUMENTS

2018 No. 641

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Transport Levying Bodies (Amendment) Regulations 2018

Made - - - -	*23rd May 2018*
Coming into force - -	*1st October 2018*

The Secretary of State, in exercise of the powers conferred by sections 74(2), (3), (8) and (10) and 143(1) and (2) of the Local Government Finance Act 1988(**1**), makes the following Regulations.

In accordance with section 143(4B) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Transport Levying Bodies (Amendment) Regulations 2018.

(2) These Regulations come into force on 1st October 2018.

Preliminary

2. The Transport Levying Bodies Regulations 1992(**2**) are amended as follows.

Interpretation

3. In regulation 2, for the definition of "combined authority", substitute—

""combined authority" means a body which is specified in paragraph (aa), (ab), (ac), (ad), (ae), (af), (ag) or (ah) of regulation 3;".

(**1**) 1988 c. 41. Section 74 was amended by the Local Government Finance Act 1992 (c. 14), paragraph 72(1) of Schedule 13; the Greater London Authority Act 1999 (c. 29), section 105; the Courts Act 2003 (c. 39), paragraph 305(a) of Schedule 8; the Fire and Rescue Services Act 2004 (c. 21), paragraph 68 of Schedule 1; the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraph 16(2) of Schedule 1 and Part 4 of Schedule 7; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7; the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 182 of Schedule 16; the Localism Act 2011 (c. 20), paragraph 2 of Schedule 7; S.I. 1994/2825. Section 143(4B) was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 23(1) and paragraphs 9 and 11 of Schedule 5.

(**2**) S.I. 1992/2789, amended by S.I. 2012/213, S.I. 2015/27 and S.I. 2017/603.

Application

4. In regulation 3, after paragraph (ag) insert—

"(ah) the Cambridgeshire and Peterborough Combined Authority established by the Cambridgeshire and Peterborough Combined Authority Order 2017(**3**),".

Apportionment of levies

5.—(1) In regulation 7(4)—

(a) in sub-paragraph (ac) after "in accordance with regulation 7C," omit "and"; and

(b) after sub-paragraph (ac) insert—

"(ad) in the case of the levies to be issued by the Cambridgeshire and Peterborough Combined Authority, in accordance with regulation 7D, and".

(2) After regulation 7C insert the following regulation—

"**Calculation and apportionment of levies issued by the Cambridgeshire and Peterborough Combined Authority**

7D.—(1) The amounts of the levies to be issued by the Cambridgeshire and Peterborough Combined Authority ("the Authority") to Cambridgeshire County Council and Peterborough City Council ("the upper-tier authorities") for the financial year 2018 to 2019, or any subsequent financial year, shall be determined in accordance with the following provisions of this regulation.

(2) The Authority shall apportion its estimated relevant expenditure for the financial year in question in such proportion as the upper-tier authorities agree.

(3) In default of such agreement, the Authority shall apportion its estimated relevant expenditure for the financial year in question in the same proportion to the amount that each of the upper-tier authorities has spent on the transport functions mentioned in article 8 of the Cambridgeshire and Peterborough Combined Authority Order 2017 ("the 2017 Order") in the financial year ending on 31st March 2018.

(4) Where, as respects any financial year, the Authority estimates that the apportionment of its actual expenditure will differ from that estimated under paragraph (2) or (3), the Authority shall make appropriate adjustments to its estimates under paragraph (2) or (3) for the ensuing financial year.

(5) Those adjustments shall 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 payable by the upper-tier authorities under article 6(1) of the 2017 Order, so far as these relate to transport functions listed within article 8 of that Order, reflect the actual expenditure of the Authority.".

(**3**) S.I. 2017/251.