STATUTORY INSTRUMENTS

2017 No. 1180

LOCAL GOVERNMENT, ENGLAND

The Greater Manchester Combined Authority (Public Health Functions) Order 2017

Made - - - - 29th November 2017

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 105(1), 114(1) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act").

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(**2**), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and

(b) any consultation required by section 113(2) of the 2009 Act(**3**) has been carried out.

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(**4**).

In accordance with section 105(3A) of the 2009 Act, the Greater Manchester Combined Authority and the district councils whose areas are comprised in the area of that Combined Authority have consented to the making of this Order(**5**).

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

(**1**) 2009 c.20. Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016 (c.1) ("the 2016 Act"). Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the 2016 Act. Section 117 was amended by sections 13 and 23 of, and paragraphs 5, 17 and 29 of Schedule 5 to, the 2016 Act.

(**2**) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.

(**3**) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.

(**4**) *See* section 113(3) of the 2009 Act for the requirement on the Secretary of State to have regard to specified matters when making an order under section 105.

(**5**) This Order relates to the area of the Greater Manchester Combined Authority, which was established by the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908) as amended by the Greater Manchester Combined Authority (Amendment) Order 2015 (S.I. 2015/960). Article 2 of S.I. 2011/908 defines the "combined area" as the area consisting of the areas of the constituent councils, who are the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

Citation and commencement

1. This Order may be cited as the Greater Manchester Combined Authority (Public Health Functions) Order 2017 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"constituent councils" means the district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan;

"GMCA" means the Greater Manchester Combined Authority, a body corporate established by the Greater Manchester Combined Authority Order 2011(**6**);

"the NHS Act 2006" means the National Health Service Act 2006(**7**); and

"relevant functions" means functions exercisable by virtue of article 3.

Exercise of public health functions by the GMCA

3.—(1) The functions of the constituent councils specified in section 2B(1) of the NHS Act 2006(**8**) (functions of local authorities and Secretary of State as to improvement of public health) are exercisable by the GMCA in relation to its area.

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

Application of section 6C of the NHS Act 2006

4. Section 6C(2) of the NHS Act 2006(**9**) (regulations as to the exercise by local authorities of certain public health functions) applies to the GMCA as it applies to the constituent councils, but as if for the reference to "its public health functions" there were substituted "the functions exercisable by virtue of article 3 of the Greater Manchester Combined Authority (Public Health Functions) Order 2017".

Application of section 73B of the NHS Act 2006

5.—(1) Subsection (1) of section 73B of the NHS Act 2006(**10**) (exercise of public health functions of local authorities: further provision), which relates to documents and guidance issued by the Secretary of State relating to public health functions, applies to the GMCA in the exercise of its relevant functions as it applies to the constituent councils in the exercise of the functions mentioned in subsection (2) of that section.

(2) Subsections (5) and (6) of section 73B of the NHS Act 2006, which relate to the preparation and publication of an annual report on the health of the people in the area, apply to the GMCA in the exercise of its relevant functions as they apply to the constituent councils, but as if for the reference to "The director of public health for a local authority" in subsection (5) there were substituted "The Greater Manchester Combined Authority".

(**6**) S.I. 2011/908, as amended by S.I.2015/960 and S.I. 2016/1267.
(**7**) 2006 c.41.
(**8**) Section 2B was inserted by section 12 of the Health and Social Care Act 2012 (c.7) ("the 2012 Act").
(**9**) Section 6C was inserted by section 18(1) of the 2012 Act.
(**10**) Section 73B was inserted by section 31 of the 2012 Act.