Draft Regulations laid before Parliament under section 102T of the Local Transport Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No. 0000

TRANSPORT, ENGLAND
LOCAL GOVERNMENT, ENGLAND

The Sub-national Transport Body (Transport for the North) Regulations 2017

Made - - - -	*2017*
Coming into force - -	*1st April 2018*

These Regulations are made in exercise of the powers conferred by sections 102E, 102G, 102H, 102J, 102K, 102L and 102S of the Local Transport Act 2008(**1**).

The Secretary of State, having regard to a proposal made under section 102F(3)(a) of the Local Transport Act 2008, considers that the making of these Regulations will facilitate the development and implementation of transport strategies in the area to which these Regulations relate, and that the objective of economic growth in the area would be furthered by the development and implementation of such strategies.

The Secretary of State is satisfied that the area to which these Regulations relate meets the condition set out in section 102E(4) of the Local Transport Act 2008.

The constituent authorities for the area to which these Regulations relate, after consulting in accordance with section 102F(5) of the Local Transport Act 2008, have made a proposal for there to be a sub-national transport body for that area and have consented to the making of these Regulations in accordance with section 102F(3)(b) of that Act.

Consent has been obtained to the provisions made in these Regulations under section 102J of the Local Transport Act 2008 from those local authorities from which it is required under section 102J(6)(a) of that Act.

A draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 102T of the Local Transport Act 2008.

Accordingly, the Secretary of State makes the following Regulations:

(**1**) 2008 c. 26; these sections were inserted by the Cities and Local Government Devolution Act 2016 (c.1), section 21.

Citation and commencement

1.—(1) These Regulations may be cited as the Sub-national Transport Body (Transport for the North) Regulations 2017.

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

Interpretation

2.—(1) In these Regulations—

"constituent authorities" means the following authorities—

Blackburn with Darwen Borough Council;

Blackpool Borough Council;

Cheshire East Council;

Cheshire West and Chester Council;

The Council of the City of York;

Cumbria County Council;

The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority;

The East Riding of Yorkshire Council;

Greater Manchester Combined Authority;

Kingston upon Hull City Council;

Lancashire County Council;

Liverpool City Region Combined Authority;

North East Lincolnshire Council;

North Lincolnshire Borough Council;

North Yorkshire County Council;

Sheffield City Region Combined Authority;

Tees Valley Combined Authority;

Warrington Borough Council;

West Yorkshire Combined Authority;

"TfN" has the meaning given by regulation 3.

(2) References in these Regulations to the area of TfN are to the area for which TfN is established (see regulation 3(1)).

Establishment of Transport for the North

3.—(1) A sub-national transport body is established for the area consisting of the areas of the constituent authorities.

(2) The body is to be known as Transport for the North ("TfN").

(3) TfN is to be a body corporate.

(4) TfN has the functions conferred or imposed upon it, or delegated to it, by these Regulations or by or under any other enactment (whenever passed or made).

Constitution

4. The Schedule makes provision about TfN's constitution.

General Functions

5. TfN has the following general functions—

(a) to prepare a transport strategy for its area;

(b) to provide advice to the Secretary of State about the exercise of transport functions in relation to its area (whether exercisable by the Secretary of State or others);

(c) to co-ordinate the carrying out of transport functions in relation to its area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;

(d) if TfN considers that a transport function in relation to its area would more effectively and efficiently be carried out by TfN, to make proposals to the Secretary of State for the transfer of that function to TfN;

(e) to make other proposals to the Secretary of State about the role and functions of TfN.

Capital grants

6.—(1) The function of the constituent authorities as local authorities specified in section 56(2) of the Transport Act 1968(**2**) (power to make capital grants) is exercisable by TfN in relation to its area.

(2) This function is exercisable concurrently with the constituent authorities.

Ticketing schemes

7.—(1) The functions of the constituent authorities as local transport authorities specified in the following provisions of the Transport Act 2000(**3**) are exercisable by TfN in relation to its area—

(a) section 134C(1)(**4**) (power to make advanced ticketing schemes), and

(b) section 135(1)(**5**) (power to make other kinds of ticketing schemes).

(2) These functions are exercisable concurrently with the constituent authorities.

(3) For the purposes of this regulation, the following provisions apply to TfN as they apply to a local transport authority—

(a) section 134C(9) to (11) (duties applicable when carrying out functions in relation to an advanced ticketing scheme);

(b) sections 134D to 134G(**6**) (other provisions applicable in connection with advanced ticketing schemes);

(c) section 135(7) and (8) (duties applicable when carrying out functions in relation to other kinds of ticketing schemes);

(d) sections 136(**7**) and 137(**8**) (other provisions applicable in connection with such ticketing schemes).

(**2**) 1968 c. 73; section 56 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 12, and the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 6.
(**3**) 2000 c. 38.
(**4**) Section 134C was inserted by the Bus Services Act 2017 (c.21), section 7.
(**5**) Section 135 was amended by the Local Transport Act 2008 (c.26), Schedule 1, paragraph 3(2).
(**6**) Sections 134D to 134G were inserted by the Bus Services Act 2017 (c.21), section 7.
(**7**) Section 136 was amended by the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

Franchise agreements

8.—(1) Section 13 of the Railways Act 2005(**9**) (functions relating to franchising) has effect as if—

(a) references to a Passenger Transport Executive included references to TfN, and

(b) references to the area of a Passenger Transport Executive (or the integrated transport area) included references to TfN's area.

(2) The functions of a Passenger Transport Executive specified in that section are exercisable by TfN in relation to its area concurrently with the constituent authorities by which the functions are exercisable in relation to their areas.

Highways

9.—(1) TfN has in relation to its area the functions set out in the Highways Act 1980(**10**) that are mentioned in regulations 10 and 11.

(2) The functions mentioned in regulation 10 are exercisable by TfN in relation to its area jointly with the Secretary of State.

(3) The functions mentioned in regulation 11 are exercisable by TfN in relation to its area—

(a) concurrently with the local authorities by which the functions are exercisable in relation to areas within TfN's area (whether as highway authorities or in other capacities), and

(b) subject to regulation 14 (in the case of the function mentioned in regulation 11(b)) and regulation 15 (in the case of any other functions mentioned in regulation 11).

10. The functions exercisable jointly with the Secretary of State are—

(a) the function in section 6(5)(**11**) (power to enter agreement with local authority for works relating to trunk road),

(b) the functions in sections 105A to 105C(**12**) (functions relating to environmental impact assessments),

(c) the functions in section 239(1)(**13**) and (2)(**14**) (powers to acquire land in connection with highways), in relation to trunk roads,

(d) the functions in section 239(3), (4) and (5) (powers to acquire land for improvement of a highway), insofar as those functions are exercisable by the Secretary of State,

(**8**) Section 137 was amended by the Railways Act 2005 (c.14), Schedule 12, paragraph 17(2) and the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

(**9**) 2005 c. 14; section 13 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 66(2) and the Deregulation Act 2015 (c.20), Schedule 8, paragraph 7.

(**10**) 1980 c. 66.

(**11**) Section 6(5) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(8)(a) and 7(8)(b).

(**12**) Section 105A was inserted by the Highways (Assessment of Environmental Effects) Regulations 1988 (S.I. 1988/1241), regulation 2 and amended by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2, the Countryside and Rights of Way Act 2000 (c.37), Schedule 10, paragraph 5, Schedule 15, paragraph 5 and Schedule 16, Part 3, the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 2, the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), Schedule 6, paragraph 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 30. Section 105B was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 3, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), article 4(1) and Schedule 2, paragraph 161 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 31. Section 105C was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007/1062, regulation 4 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 32.

(**13**) Section 239(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 45(2).

(**14**) Section 239(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 45(3)(a) and 45(3)(b).

(e) the functions in section 240(1), (2)(a) and (6) (acquisition of land in connection with highways: further general powers), insofar as those functions are exercisable by the Secretary of State,

(f) the functions in section 246(1), (2)(**15**), (2A)(**16**) and (5) (powers to acquire land to mitigate effects of constructing or improving highway), insofar as those functions are exercisable by the Secretary of State, and

(g) the functions in section 250(1) and (2) (powers relating to acquisition of rights over land), insofar as those functions are exercisable by the Secretary of State.

11. The functions exercisable by TfN in relation to its area concurrently with local authorities in relation to their areas are—

(a) the function in section 8(1)(**17**) (power to enter agreement with local highway authorities etc for doing certain works),

(b) the function in section 24(2)(**18**) (power of local highway authority to construct new highways),

(c) the function in section 25(1)(**19**) (power to enter into agreement for creation of footpath etc),

(d) the function in section 26(1)(**20**) (compulsory powers for creation of footpaths etc),

(e) the function in section 239(1), in relation to a highway which is to be a highway maintainable at the public expense, other than a trunk road,

(f) the functions in section 239(3), (4) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN's area,

(g) the functions in section 240(1), (2)(a) and (6), insofar as those functions are exercisable by local authorities in relation to areas within TfN's area,

(h) the functions in section 246(1), (2), (2A) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN's area, and

(i) the functions in section 250(1) and (2), insofar as those functions are exercisable by local authorities in relation to areas within TfN's area.

12. For the purposes of regulations 10 and 11, the following references in the Highways Act 1980 have effect as if they included references to TfN—

(a) the references to the Minister in—

(i) section 6(2)(**21**), (6)(**22**), and (8)(**23**),

(ii) section 10(2)(a)(i)(**24**),

(**15**) Section 246(2) was amended by the Planning and Compensation Act 1991 (c.34), Schedule 15, paragraph 26.
(**16**) Section 246(2A) was inserted by the Planning and Compensation Act 1991 (c.34), section 62(2).
(**17**) Section 8(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 8(2)(a) and 8(2)(b).
(**18**) Section 24(2) was amended by the Local Government Act 1985 (c.51), section 102 and Schedule 17 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 17(4)(a) and 17(4)(b).
(**19**) Section 25(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
(**20**) Section 26(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 2(2)(a) to 2(2)(c).
(**21**) Section 6(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(5)(a) and 7(5)(b).
(**22**) Section 6(6) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(d) and Schedule 17, the Local Government (Wales) Act (c.19), Schedule 7, paragraphs 2(3)(a) to 2(3)(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 7(9).
(**23**) Section 6(8) was amended by the Contracting Out (Highway Functions) Order 1995 (S.I. 1995/1986), article 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(10)(a) and 7(10)(b).
(**24**) Section 10(2)(a)(i) was amended by the New Roads and Street Works Act 1991 (c.22), section 22(2)(a) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 10(2).