Draft Order laid before Parliament under section 85 of the Transport Act 1985, section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND

The West Yorkshire Combined Authority Order 2014

Made - - - -	*****
Coming into force - -	*1st April 2014*

This Order is made in exercise of the powers conferred by section 85 of the Transport Act 1985(**1**), sections 84, 91 and 93 of the Local Transport Act 2008(**2**) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(**3**).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve –

(a) the exercise of statutory functions relating to transport in the area to which this Order relates,

(b) the effectiveness and efficiency of transport in that area,

(c) the exercise of statutory functions relating to economic development and regeneration in that area, and

(d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted—

(a) the metropolitan district councils for the area comprised in the West Yorkshire integrated transport area,

(b) the West Yorkshire Integrated Transport Authority, and

(c) such other persons as the Secretary of State considered appropriate.

The metropolitan district councils whose areas are comprised in the West Yorkshire integrated transport area have consented to the making of this Order.

(**1**) 1985 c.67. Section 85 was amended by the Local Transport Act 2008 (c.26) Schedule 4, paragraphs 18 and 30 and by S.I. 2009/107.
(**2**) 2008 c.26.
(**3**) 2009 c.20.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 85 of the Transport Act 1985, section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1. This Order may be cited as the West Yorkshire Combined Authority Order 2014 and shall come into force on 1st April 2014.

Interpretation

2. In this Order—

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009;

"combined area" means the area consisting of the areas of the constituent councils;

"the Combined Authority" means the West Yorkshire Combined Authority constituted by article 3(2);

"constituent councils" means the metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield;

"the Executive" has the meaning given by article 8(1);

"financial year" means the period of 12 months ending with 31st March in any year;

"the ITA" means the West Yorkshire Integrated Transport Authority;

"Local Enterprise Partnership" means the Leeds City Region Local Enterprise Partnership; and

"non-constituent council" means the council for the local government area of York.

PART 2

Establishment of a combined authority for West Yorkshire

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the West Yorkshire Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Funding

5.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.

PART 3

Transport

Abolition and transfer of functions

6.—(1) The West Yorkshire integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

(a) its functions; and

(b) its property, rights and liabilities

are transferred to the Combined Authority.

Adaptation of enactments

7.—(1) This article has effect in consequence of article 6.

(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) Paragraphs (2) and (3) do not apply to Part 2 of the Transport Act 1968 which is amended in accordance with Schedule 2.

Passenger Transport Executive

8.—(1) In this order "the Executive" means the West Yorkshire Passenger Transport Executive established by the West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973(**4**).

(2) Immediately before the coming into force of article 6 the Executive shall be dissolved and all functions, property rights and liabilities of the Executive shall be transferred to the ITA.

(3) Subject to article 7(4) and Schedule 2 and to the following provisions of this article, any reference in any enactment (whenever passed or made) to a passenger transport executive or to passenger transport executives is to be treated, in its application to the combined area, as if it were a reference to the West Yorkshire Combined Authority.

(4) Paragraph (3) does not apply to the following enactments—

(a) in the Audit Commission Act 1998(**5**)—

(i) sections 11(2)(g);

(ii) section 30(1), (3); and

(iii) in Schedule 2, paragraph 4;

(b) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000(**6**);

(c) Schedule 2 to the Local Government Act 1988(**7**);

(d) section 33 of the Railways Act 2005(**8**);

(e) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985; and

(f) section 162(4) of the Transport Act 2000.

(5) The West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 is revoked.

Continuity

9.—(1) Nothing in article 6, 7 or 8 affects the validity of anything done by or in relation to the ITA or the Executive before 1st April 2014.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

(a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and

(b) is in process of being done by or in relation to the ITA or the Executive immediately before 1st April 2014.

(3) Anything which—

(a) was made or done by or in relation to the ITA or the Executive for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and

(b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(**4**) S.I. 1973/1729.
(**5**) 1998 c. 18.
(**6**) 2000 c. 36. Paragraph 8 was substituted by the Local Transport Act 2008, Schedule 4, paragraph 64.
(**7**) 1988 c. 9.
(**8**) 2005 c. 14.

(4) The Combined Authority shall be substituted for the ITA or, where appropriate, the Executive in any instruments, contracts or legal proceedings which—

(a) relate to any of the functions, property, rights or liabilities transferred; and

(b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or the Executive includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA or the Executive.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988(**9**) and in accordance with the Transport Levying Bodies Regulations 1992(**10**) to the constituent councils in respect of the financial year beginning 1st April 2014 is to have effect for that year as if it had been so issued by the Combined Authority.

PART 4

Additional functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 are exercisable by the West Yorkshire Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) 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 West Yorkshire Combined Authority.

Incidental provisions

11. The following provisions shall have effect as if the West Yorkshire Combined Authority were a local authority for the purposes of these provisions—

(a) section 142(2) of the Local Government Act 1972(**11**) (the power to arrange for publication of information etc. relating to the functions of the authority); and

(b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

12.—(1) The West Yorkshire Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(**12**) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to "that area" were a reference to the combined area.

13. Section 13 of the Local Government and Housing Act 1989(**13**) (voting rights of members of certain committees) shall have effect as if—

(a) in subsection (4) after paragraph (h) there were inserted—

(**9**) 1988 c.41.
(**10**) S.I. 1992/2789, amended by S.I. 2012/213.
(**11**) 1972 c.70.
(**12**) 1985 c.51.
(**13**) 1989 c.42.