Draft Order laid before Parliament under 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 Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014

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

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

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 district councils for the area comprised in the South Yorkshire integrated transport area,

(b) the South Yorkshire Integrated Transport Authority,

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

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

(**1**) 2008 c.26.
(**2**) 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 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 Barnsley, Doncaster, Rotherham and Sheffield 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" has the meaning given by article 3(2);

"constituent councils" means—

(a) Sheffield City Council; and

(b) Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council and Rotherham Metropolitan Borough Council;

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

"ITA" means the South Yorkshire Integrated Transport Authority;

"non-constituent councils" means—

(a) Chesterfield Borough Council; and

(b) Bassetlaw District Council, Bolsover District Council, Derbyshire Dales District Council and North East Derbyshire District Council.

PART 2

Establishment of a combined authority for Barnsley, Doncaster, Rotherham and Sheffield

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 Barnsley, Doncaster, Rotherham and Sheffield 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 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 South 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.

Passenger Transport Executive

8.—(1) In this article "the Executive" means the South Yorkshire Passenger Transport Executive established pursuant to the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973(**3**).

(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 and Part 6 of the 2009 Act.

(3) In the application of section 101 of the Local Government Act 1972(**4**) (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.

Continuity

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

(3) Anything which—

(a) was made or done by or in relation to the ITA 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) The Combined Authority shall be substituted for the ITA 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 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.

(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(**5**) and in accordance with the Transport Levying Bodies Regulations 1992(**6**) 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.

(**3**) S.I. 1973/1728.
(**4**) 1972 c. 70.
(**5**) 1988 c.41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72; the Local Government (Wales) Act 1994 (c. 19), Schedule 6, paragraph 21; the Environment Act 1995 (c. 25), Schedule 24; the Greater London Authority Act 1999 (c. 29) section 105; the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a); the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68; the Local Government and Involvement in Public Health Act 2007 (c. 28), Schedule 1, paragraph 16; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraphs 74 and 75 and Schedule 7, Part 4; the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 16, paragraph 182(a); the Localism Act 2011 (c. .20), Schedule 7, paragraphs 1, 2; and by S.I. 1994/2825.
(**6**) S.I. 1992/2789, amended by S.I. 2012/213.

PART 4

Additional functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 2 to this Order are exercisable by the 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 Combined Authority.

Incidental provisions

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

(a) section 142(2) of the Local Government Act 1972(**7**) (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 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(**8**) (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(**9**) (voting rights of members of certain committees) shall have effect as if—

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

"(i) subject to subsection (4A), a committee appointed by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;"; and

(b) after subsection (4) there were inserted—

"(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person—

(a) is a member of one of the constituent councils as defined by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(**10**); or

(b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(5) of Schedule 1 to that Order.".

(**7**) 1972 c.70.
(**8**) 1985 c.51.
(**9**) 1989 c.42.
(**10**) S.I. 2014/XXXX.