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 Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral 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 metropolitan district councils for the area comprised in the Merseyside integrated transport area,

(b) the councils for the local government areas who are within the area for which the combined authority is to be established;

(c) the Merseyside Integrated Transport Authority,

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

(**1**) 2008 c.26.
(**2**) 2009 c.20.

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

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 Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral 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 Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority constituted by article 3(2);

"constituent councils" means the councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral;

"the Executive" means the Merseyside Passenger Transport Executive;

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

"the ITA" means the Merseyside Integrated Transport Authority;

"Halton Council" means the council of the borough of Halton; and

"Local Enterprise Partnership" means the Liverpool City Region Local Enterprise Partnership.

PART 2

Establishment of a combined authority for Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral

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 Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral 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.

(4) Subject to paragraphs (5) and (6) the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport shall be met by means of two separate levies issued by the Authority to—

(a) the district councils in the county of Merseyside; and

(b) Halton Council,

under section 74 of the Local Government Finance Act 1988(**3**), and in accordance with regulations made thereunder.

(5) In determining the amount of the levies to be issued to Halton Council for a financial year, no account may be taken of the cost of meeting any liabilities or expenses, including transferred pension liabilities, incurred by the Combined Authority or to be incurred in consequence of article 6 (abolition of the ITA and transfer of functions etc.).

(6) Without prejudice to the generality of article 12, a levy issued by the ITA under section 74 of the Local Government Finance Act 1988 to the district councils in the county of Merseyside in respect of the financial year beginning 1st April 2014 has effect for that year as if it had been so issued by the Combined Authority.

(7) No levy shall be issued to the Halton Council for that financial year, but that Council must pay a contribution to the Combined Authority equal to the amount which it has budgeted to spend on the functions transferred under article 8 for that financial year.

PART 3

Transport

Abolition and transfer of functions etc.

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

(2) Subject to paragraph (3), on the abolition of the ITA—

(**3**) 1988 c. 41.

(a) its functions; and

(b) its property, rights and liabilities

are transferred to the Combined Authority.

(3) On the abolition of the ITA all rights and liabilities (including rights and liabilities in respect of superannuation) arising under contracts of employment with the ITA are transferred to the Executive.

Adaptation of enactments — integrated transport authority

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.

Transfer of functions — Halton Council

8.—(1) There are transferred to the Combined Authority the functions of Halton Council under the following enactments—

(a) Parts IV and V of the Transport Act 1985(**4**); and

(b) Part II of the Transport Act 2000(**5**).

(2) Halton Council shall—

(a) after consulting the other constituent councils; and

(b) not later that 1st April 2018,

submit to the Secretary of State proposals for the making of a scheme by the Secretary of State for the transfer to the Combined Authority of specified property, rights and liabilities held, acquired or incurred by the Council for the purposes any of the functions transferred under paragraph (1).

(3) After considering the proposals and any representations made on them by the other constituent councils, the Secretary of State may, by way of a scheme made under section 115 of the 2009 Act, make such provision for the transfer of such property, rights and liabilities (whether or not specified in the proposals) as he thinks fit.

(4) Nothing in this Order has effect to transfer to the Combined Authority—

(a) any function of Halton Council relating to—

(i) the levying of tolls or the imposition of road user charging; or

(ii) the application of the proceeds of tolls or road user charges; or

(b) any functions, property, rights and liabilities of Halton Council relating to the Mersey Gateway and Silver Jubilee Bridges, including their financing, delivery, operation and maintenance, and the highway network associated with them.

(**4**) 1985 c.67.
(**5**) 2000 c.38.

Adaptation of enactments

9.—(1) This article has effect in consequence of article 8.

(2) In relation to any function transferred under article 8, any reference in any enactment (whenever passed or made) to a county, or to any class of area which includes a county, is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made) any reference in relation to any function transferred under article 8 to a county council, or to any class of body which includes a county council, is to be treated as including a reference to the Combined Authority.

Passenger Transport Executive

10.—(1) 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 and shall be known as Merseytravel.

(2) In the application of section 101 of the Local Government Act 1972(**6**) (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.

Other transport functions

11.—(1) There are delegated to the Combined Authority the functions of the constituent councils under section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports).

(2) Sections 237A to 237E of the Local Government Act 1972(**7**) (fixed penalty notices) shall apply in relation to the Combined Authority so far as those provisions relate to the Mersey Tunnel Byelaws 2003(**8**).

(3) The Combined Authority has power to enter into agreements as if it were a highway authority under section 8 of the Highways Act 1980(**9**) and also a traffic authority under the Road Traffic Regulation Act 1984(**10**) and a street authority under section 49 of the New Roads and Street Works Act 1991.

(4) The costs incurred by the Combined Authority in discharging the functions exercisable by it by virtue of this article shall, except so far as the constituent councils agree otherwise, be defrayed by the Combined Authority.

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988, fall to be treated as expenses attributable to the exercise of the Combined Authority's functions relating to transport.

(6) The functions delegated by paragraph (1) are not exercisable by the constituent councils either concurrently or instead of the Combined Authority, except so far as the Combined Authority sub-delegates any such functions back to a constituent council.

(7) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Combined Authority the functions delegated to the Combined Authority by paragraph (1) are to be treated as if they were functions of the Combined Authority.

(**6**) 1972 c.70.
(**7**) Section 237A was inserted by the Local Government and Public health Involvement Act 2007 (2007 c. 28) section 130.
(**8**) The Mersey Tunnel Byelaws were made by the Merseyside Passenger Transport Authority under Section 102 of the County of Merseyside Act 1980 (1980 c. x) as amended by the Mersey Tunnels Order 1986 (S.I. 1986/297).
(**9**) 1980 c. 66.
(**10**) 1984 c. 27; the definition of "traffic authority" is in section 121A which was inserted by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 70 and amended by the Greater London Authority Act 1999 (c. 29) section 271(1), (2).