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

2011 No. ****

LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND

The Greater Manchester Combined Authority Order 2011

Made - - - -	***
Coming into force - -	*1st April 2011*

This Order is made in exercise of the powers conferred by sections 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 Greater Manchester integrated transport area,

(b) the Greater Manchester Integrated Transport Authority,

(c) the Greater Manchester Passenger Transport Executive,

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

The councils for the metropolitan districts whose areas are comprised in the Greater Manchester 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 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 Greater Manchester Combined Authority Order 2011 and shall come into force on 1st April 2011.

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;

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

"the Executive" has the meaning given by article 9(1);

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

"the GMCA" has the meaning given by article 3(2); and

"the ITA" means the Greater Manchester Integrated Transport Authority(**3**).

PART 2

Establishment of a Combined Authority for Greater Manchester

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 Greater Manchester Combined Authority ("the GMCA").

(3) The functions of the GMCA 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 this Order or any other enactment (whenever passed or made).

(**3**) This body was established as the Greater Manchester Passenger Transport Authority by section 28(1) of the Local Government Act 1985 (c. 51). It was renamed by virtue of the Local Transport Act 2008, section 77(2) and paragraph 53 of Schedule 4 to that Act.

Constitution

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

Funding

5.—(1) The constituent councils must meet the costs of the GMCA 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 GMCA 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 previously.

PART 3

Transport

Abolition and transfer of functions

6.—(1) The Greater Manchester 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 GMCA.

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 GMCA.

(4) Schedule 2 (which amends section 9 of the Transport Act 1968 in consequence of article 6) has effect, but this does not affect the generality of paragraphs (2) and (3).

Delegation of certain transport functions

8.—(1) There are delegated to the GMCA the functions of the constituent councils—

(a) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984(**4**) so far as it relates to traffic signs that are traffic light signals;

(b) under section 23 of that Act (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997(**5**); and

(c) under section 2 of the Road Traffic Reduction Act 1997(**6**) (duty of principal councils to make reports).

(2) In consequence of subparagraphs (a) and (b) of paragraph (1) the GMCA, in the discharge of the functions delegated to it by those provisions, is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(**7**).

(3) In this article "traffic light signal" means a traffic sign of the size, colour and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002(**8**) or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.

(4) The costs incurred by the GMCA in discharging the functions delegated to it by this article shall, except so far as the constituent councils agree otherwise, be defrayed by the GMCA.

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988(**9**), fall to be treated as expenses attributable to the exercise of the GMCA'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 GMCA, except so far as the GMCA sub-delegates any such function back to a constituent council.

(7) In the application of section 101 of the Local Government Act 1972(**10**) (arrangements for the discharge of functions) to the GMCA the functions delegated to the GMCA by paragraph (1) are to be treated as if they were functions of the GMCA.

Passenger Transport Executive

9.—(1) In this article "the Executive" means the Greater Manchester Passenger Transport Executive established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969(**11**).

(2) The Executive is to be an executive body of the GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act and is to be known as "Transport for Greater Manchester".

(**4**) 1984 c. 27. Section 65 was amended by the Local Government and Housing Act 1989 (c. 42) section 153, by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 48 and by the Road Traffic Act 1991 (c. 40) Schedule 4, paragraph 29.
(**5**) Part I of S.I. 1997/2400, to which there are amendments not relevant to this Order.
(**6**) 1997 c. 54.
(**7**) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.
(**8**) Part 1 of S.I. 2002/3113, to which there are amendments not relevant to this Order.
(**9**) 1988 c. 41; subsection (10) of section 74 was inserted by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraph 75.
(**10**) 1972 c. 70; section 101 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Schedule 10; the Local Government Act 1985 (c. 51) Schedule 14, paragraph 15, Schedule 17; the Statute Law (Repeals) Act 1986 (c. 12); the Local Government and Housing Act 1989 (c. 42) Schedule 12; the Education Act 1993 (c. 35) Schedules 19 and 21; the Local Government (Wales) Act 1994 (c. 19) Schedule 15, paragraph 26; the Police and Magistrates' Courts Act 1994 (c. 29) Schedule 9; the Environment Act 1995 (c. 25) Schedule 24; the Greater London Authority Act 1999 (c. 29) section 332(1); the Licensing Act 2003 (c. 17) Schedule 6, paragraphs 56, 58; the Children Act 2004 (c. 31) Schedule 5; the Local Government and Public Health Involvement Act 2007 (c. 28), Schedule 13, paragraphs 1, 9; the Planning Act 2008 (c. 29) section 224(1); the Local Democracy, Economic Development and Construction Act 2009 (c. 20) Schedule 6, paragraphs 6, 10; the Marine and Coastal Access Act 2009 (c. 23) Schedule 22, Part 4; and by S.I. 2001/1517, 2002/803.
(**11**) S.I. 1969/95, amended by S.I. 1973/1727.

(3) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the GMCA the Executive is to be treated as if it were an officer of the GMCA.

(4) Where arrangements are in force for the discharge of functions of a constituent council by the GMCA by virtue of—

(a) section 101(1)(b) of the Local Government Act 1972; or

(b) section 19 of the Local Government Act 2000(**12**) and regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000(**13**),

the Executive is to be treated as if it were an officer of the GMCA for the purposes of section 101 of the Act of 1972 and for the purposes of those Regulations.

(5) The Executive has power to discharge any function which is the subject of arrangements entered into with it by virtue of paragraph (3) or (4).

PART 4

Additional Functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 to this Order are exercisable by the GMCA 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 GMCA.

Incidental provisions

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

(a) section 142(2) of the Local Government Act 1972(**14**) (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 instigate and defend legal proceedings).

12.—(1) The GMCA 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(**15**) (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(**16**) shall have effect as if—

(**12**) 2000 c. 22.
(**13**) S.I. 2000/2851.
(**14**) 1972 c.70.Section 142(2) was amended by the Local Government Act 1986 (c.10), section 3(1).
(**15**) 1985 c.51, to which there are amendments not relevant to this Order.
(**16**) 1989 c. 42. Section 13 was amended by the Education Act 1993 (c.35), section 307(1), (3), Schedule 19, paragraph 156(a), (c), (d), Schedule 21, Part 2; the Children Act 2004 (c.31), section 64, Schedule 5, Part 4; the Police and Magistrates' Courts Act 1994 (c.29), section 43, Schedule 4, Part 1, paragraph 36(a), (b), section 93, Schedule 9, Part 1; the Marine and Coastal Access Act 2009 (c.23), section 184, Schedule 14, paragraphs 12, 14, section 321, Schedule 22, Part 4; the Environment Act