
STATUTORY INSTRUMENTS

2015 No. 27

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Transport Levying Bodies (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>10th January 2015</i>
<i>Laid before Parliament</i>		<i>20th January 2015</i>
<i>Coming into force</i>	- -	<i>16th February 2015</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 74 and 143(1) and (2) of the Local Government Finance Act 1988(1), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Transport Levying Bodies (Amendment) Regulations 2015 and come into force on 16th February 2015.

Preliminary

2. The Transport Levying Bodies Regulations 1992(2) are further amended in accordance with the following provisions of these Regulations.

Interpretation

3. In regulation 2—

(a) after the definition of “the 1992 Act” there is inserted—

““combined authority” means a body which is specified in paragraph (aa), (ab), (ac), (ad) or (ae) of regulation 3;”;

(b) in the definition of “council concerned” for paragraph (c) there is substituted—

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

(2) S.I. 1992/2789, amended by S.I. 2012/213.

- “(c) in relation to a combined authority means a council which is a constituent council of that authority by virtue of the order under which that authority was established;” and
- (c) the following definition is inserted after the definition of “relevant Act”—
- ““relevant expenditure” has the meaning given by regulation 4(1B);”.

Application

- 4.—(1) Regulation 3 is amended as follows.
- (2) For paragraph (a) there is substituted—
- “(a) the integrated transport authorities established—
- (i) by section 28(1) of the Local Government Act 1985(3); or
- (ii) under section 78 of the Local Transport Act 2008(4);”.
- (3) After paragraph (aa) there is inserted—
- “(ab) the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(5),
- (ac) the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014(6),
- (ad) the West Yorkshire Combined Authority established by the West Yorkshire Combined Authority Order 2014(7),
- (ae) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014(8);”.

Power to issue levies

- 5.—(1) Regulation 4 is amended as follows.
- (2) In paragraph (1A) for “the Greater Manchester Combined Authority” there is substituted “a combined authority”.
- (3) In paragraph (1B) for subparagraph (b) there is substituted—
- “(b) in relation to a combined authority, all those liabilities falling to be discharged by it which are reasonably attributable to the exercise of its transport functions for which provision is not otherwise made.”

Apportionment of levies

- 6.—(1) In regulation 7(4)—

(3) 1985 c. 51; section 28 was amended by the Local Transport Act 2008 (c. 26), Schedule 4, paragraph 53.

(4) 2008 c. 26.

(5) S.I. 2014/863.

(6) S.I. 2014/865.

(7) S.I. 2014/864.

(8) S.I. 2014/1012.

- (a) In paragraph (a) for “or the Greater Manchester Combined Authority” there is substituted “, the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, the Greater Manchester Combined Authority or the West Yorkshire Combined Authority”;
 - (b) the word “and” after subparagraph (a) is omitted; and
 - (c) after subparagraph (a) there is inserted—
 - “(aa) in the case of the levies to be issued pursuant to article 5(4) of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014, in accordance with regulation 7A,
 - (ab) in the case of the levies to be issued pursuant to article 5(3) of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014, in accordance with regulation 7B, and”
- (2) After regulation 7 there are inserted the following regulations—

“Calculation and apportionment of levies by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority

7A.—(1) The amounts of the levies to be issued by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (“the Authority”) under article 5(4) of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (“the 2014 Order”) to its constituent councils for the financial year 2015 to 2016, or any subsequent financial year, are to be determined in accordance with the following provisions of this regulation.

(2) The Authority shall apportion its estimated relevant expenditure for the financial year in question between—

- (a) expenditure which it estimates will be attributable to the exercise of its functions in relation to the county of Merseyside (“the Merseyside component”); and
- (b) expenditure which it estimates will be attributable to the exercise of its functions in relation to the borough of Halton (“the Halton component”).

(3) The Merseyside component must be met by means of the levy issued to the district councils under article 5(4)(a) of the 2014 Order.

(4) The Halton component must be met by means of the levy issued to the Halton borough council under article 5(4)(b) of the 2014 Order.

(5) Where, as respects any financial year, the authority estimates that the apportionment of its actual expenditure between the Merseyside and Halton components will differ from that estimated under paragraph (2), the Authority must make appropriate adjustments to its estimates under paragraph (2) for the ensuing financial year.

(6) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies under article 5(4)(a) and 5(4)(b) of the 2014 Order reflect the actual expenditure of the Authority on the Merseyside and the Halton components.

(7) The proportions in which the levy issued to the district councils under paragraph (3) is to be shared among those councils is to be determined in the same way as the proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.

Calculation and apportionment of levies issued by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority

7B.—(1) The amounts of the levies to be issued by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (“the Authority”) under article 5(3) of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (“the 2014 Order”) to its constituent councils for the financial year 2015 to 2016, or any subsequent financial year, are to be determined in accordance with the following provisions of this regulation.

(2) The Authority shall apportion its estimated relevant expenditure for the financial year in question between—

- (a) expenditure which it estimates will be attributable to the exercise of its functions in relation to the county of Tyne and Wear (“the Tyne and Wear component”);
- (b) expenditure which it estimates will be attributable to the exercise of its functions in relation to the county of Durham (“the Durham component”); and
- (c) expenditure which it estimates will be attributable to the exercise of its functions in relation to the county of Northumberland (“the Northumberland component”).

(3) The Tyne and Wear component must be met by means of the levy issued to the district councils in the county of Tyne and Wear under article 5(3)(a) of the 2014 Order.

(4) The Durham component must be met by means of the levy issued to the Durham county council under article 5(3)(b) of the 2014 Order.

(5) The Northumberland component must be met by means of the levy issued to the Northumberland county council under article 5(3)(c) of the 2014 Order.

(6) Where, as respects any financial year, the authority estimates that the apportionment of its actual expenditure between the Tyne and Wear, Durham and Northumberland components will differ from that estimated under paragraph (2), the Authority must make appropriate adjustments to its estimates under paragraph (2) for the ensuing financial year.

(7) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies under article 5(3)(a), 5(3)(b) and 5(3)(c) of the 2014 Order reflect the actual expenditure of the Authority on the Tyne and Wear, Durham and Northumberland components.

(8) The proportions in which the levy issued to the district councils under paragraph (3) is to be shared among those councils shall be determined in the same way as proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.”

Signed by authority of the Secretary of State for Transport

10th January 2015

Kramer
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Transport Levying Bodies Regulations 1992 (“the principal regulations”) in consequence of the establishment of new combined authorities (as specified in regulation 4(3)) under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.

Regulation 3 inserts two new definitions into regulation 2 of the principal regulations and modifies the definition of “council concerned”. *Regulation 4* amends regulation 3 of the principal regulations so as to include, in the list of authorities to which the regulations apply, integrated transport authorities established under section 78 of the Local Transport Act 2008 and specified combined authorities established under the Local Democracy, Economic Development and Construction Act 2009. *Regulation 5* amends regulation 4 as to the power of combined authorities to issue levies. *Regulation 6* inserts new regulations 7A and 7B into the principal regulations making special provision for levies issued by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority and by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority respectively and makes consequential amendments to regulation 7.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.