

Draft Regulations laid before Parliament under section 23(10) of the Local Government Act 2003 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

LOCAL GOVERNMENT, ENGLAND

The Combined Authorities (Borrowing) Regulations 2022

Made - - - - *******
Coming into force - - *******

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 23(5) and 123(1) of the Local Government Act 2003(1) (“the 2003 Act”).

In accordance with section 23(6) of the 2003 Act the combined authorities mentioned in regulation 1(3) and the councils whose local government areas are comprised in the areas of those combined authorities have consented to the specification of the functions in regulation 2 for the purposes of Part 1 of the 2003 Act.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 23(10) of the 2003 Act.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Combined Authorities (Borrowing) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales and apply to the following authorities—

- (a) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, known as the North of Tyne Combined Authority(2);
- (b) the South Yorkshire Mayoral Combined Authority(3);

(1) 2003 c. 26. Subsection (5) was inserted by the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (“the 2009 Act”), section 119 and paragraph 117 of Schedule 6; subsection (5) was amended and subsections (6) to (10) were inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 9.

(2) The authority was established under article 3 of S.I. 2018/1133 and its functions are set out in Parts 3 to 6 of that Order and S.I. 2019/1457.

(3) The authority was established under article 3 of S.I. 2014/863 and its functions are set out in Parts 3 and 4 of that Order and Parts 2 to 5 of S.I. 2020/806. The authority was previously known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority but changed its name by resolution of 7th June 2021 with effect from 17th September 2021 in accordance with section 104(4) of the 2009 Act which applies section 97 of the Local Transport Act 2008 (c. 26) (change of name of ITA) to a combined authority as it applies to an Integrated Transport Authority.

(c) the West Yorkshire Combined Authority(4)(5).

Borrowing

2. All functions of a combined authority other than its transport functions(6) are specified for the purposes of section 23(5) of the Local Government Act 2003 (power to borrow money for a purpose relevant to a function specified in regulations).

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Date

Name
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

(4) The authority was established under article 3 of [S.I. 2014/864](#) and its functions are set out in Parts 3 and 4 of that Order and Parts 3 to 7 of [S.I. 2021/112](#).

(5) Mayoral combined authorities who, on or before 19th January 2022 have entered into a debt agreement with Her Majesty’s Treasury. “Debt agreement” means an agreement between a combined authority and Her Majesty’s Treasury which provides for annual maximum limits on the long term external debt (borrowing for more than 12 months) into which the authority may enter.

(6) Section 23(5) of the 2003 Act, as amended by the Local Democracy, Economic Development and Construction Act 2009 ([c. 20](#)) and the Cities and Local Government Devolution Act 2016 ([c. 1](#)), confers borrowing powers on a combined authority in relation to purposes relevant to its transport functions and to any other functions specified in regulations by the Secretary of State.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Local Government Act 2003, read with section 23(5) of that Act, gives mayoral combined authorities the power to borrow money for a purpose relevant to its transport functions. Regulation 2 of these Regulations provides certain such authorities with the power to borrow money for any of their other functions not just transport.

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.