

*Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND  
POLICE, ENGLAND  
FIRE AND RESCUE SERVICES, ENGLAND**

The York and North Yorkshire Combined Authority Order 2023

*Made* - - - - **\*\*\***

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 103(1), 104(1), 105(1) and (3), 105A(1), (2), (3), (4)(b) and (7), 107A, 107D(1), (3)(c)(ii), (4), (5), (7) and (8), 107E(1) to (4), 107F(1), (5) and (6), 114(1) and (3), 115, 116 and 117(1A) and (5) of, and paragraph 3 of Schedule 5B and Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009(1) (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 109 of the 2009 Act(2), considers that—

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates; and
- (b) any consultation required by section 110(2) of the 2009 Act(3) has been carried out.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103(2) and (5) of the 2009 Act.

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- (1) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D, 107E and 107F were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) (“the 2011 Act”) and Schedule 5 to the 2016 Act. Schedule 5A was inserted by Schedule 2 to the 2016 Act.
- (2) Section 109 was amended by sections 6 and 12 of the 2016 Act. Section 62(9) of the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”) provides that the amendments made by section 62 of that Act to section 109 do not apply to the preparation and publication of a scheme following a review under section 108 of the 2009 Act that began before section 62 of the 2023 Act came into force.
- (3) Section 110 was amended by section 14(7) of the 2016 Act. Section 62(10) of the 2023 Act provides that the amendments made by section 62 of that Act to section 110 do not apply to section 110 as it has effect in relation to the making of an order in response to a scheme under section 109 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”).

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government<sup>(4)</sup>. In accordance with sections 104(10), 105(3A), 105B(1) and (2), 107D(9) and 107F(4) of the 2009 Act, the councils for the local government areas of North Yorkshire and the City of York have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

Accordingly, the Secretary of State makes the following Order—

## PART 1

### General

#### Citation, commencement and extent

1.—(1) This Order may be cited as the York and North Yorkshire Combined Authority Order 2023.

(2) Save as provided in paragraph (3) this Order comes into force on the day after the day on which it is made.

(3) Articles 27, 41(1) and 42 to 44 come into force on 7th May 2024.

(4) This Order extends to England and Wales.

#### Interpretation

2. In this Order and in any modifications to legislation made by this Order—

“the 1980 Act” means the Highways Act 1980<sup>(5)</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984<sup>(6)</sup>;

“the 1985 Act” means the Housing Act 1985<sup>(7)</sup>;

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(8)</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(9)</sup>;

“the 1999 Act” means the Greater London Authority Act 1999<sup>(10)</sup>;

“the 2000 Act” means the Transport Act 2000<sup>(11)</sup>;

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(4) Section 110(4) of the 2009 Act requires the Secretary of State when making an order to establish a combined authority to have regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

(5) 1980 c. 66.

(6) 1984 c. 27.

(7) 1985 c. 68.

(8) 1989 c. 42.

(9) 1990 c. 8.

(10) 1999 c. 29.

(11) 2000 c. 38.

- “the 2003 Act” means the Local Government Act 2003(12);
- “the 2004 Act” means the Fire and Rescue Services Act 2004(13);
- “the 2008 Act” means the Housing and Regeneration Act 2008(14);
- “the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009(15);
- “the 2011 Act” means the Localism Act 2011(16);
- “the BRS Act” means the Business Rate Supplements Act 2009(17);
- “the PRSR Act” means the Police Reform and Social Responsibility Act 2011(18);
- “the TM Act” means the Traffic Management Act 2004(19);
- “Area” means the area of the Combined Authority;
- “chief fire officer” means the person with responsibility for managing the fire and rescue service;
- “Combined Authority” means the York and North Yorkshire Combined Authority as established by article 3;
- “community risk management plan” means a plan which—
- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
  - (b) sets out for the period covered by the document in accordance with the requirements of the Framework—
    - (i) the Combined Authority’s priorities and objectives, and
    - (ii) an assessment of all foreseeable fire and rescue related risks that could affect its community, in accordance with the discharge of the Combined Authority’s functions as a fire and rescue authority;
- “constituent councils” means the councils for the local government areas of North Yorkshire and the City of York;
- “Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3 to this Order, following the designation of an area of land by the Combined Authority;
- “deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;
- “election for the return of the mayor” means an election held pursuant to article 4;
- “fire and rescue authority” means a fire and rescue authority under the 2004 Act;
- “fire and rescue declaration” means a document which—
- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
  - (b) contains a statement of the way in which the Combined Authority has had regard, in the period covered by the document, to the Framework and to any community risk management plan prepared by the Combined Authority for that period;

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(12) 2003 c. 26.  
(13) 2004 c. 21.  
(14) 2008 c. 17.  
(15) 2009 c. 20.  
(16) 2011 c. 20.  
(17) 2009 c. 7.  
(18) 2011 c. 13.  
(19) 2004 c. 18.

“fire and rescue functions” means functions conferred on the Combined Authority as a fire and rescue authority by, or by virtue of, any enactment;

“Fire and Rescue National Framework” means the document prepared by the Secretary of State under section 21 of the 2004 Act<sup>(20)</sup>;

“fire and rescue service” means the personnel, services and equipment secured for the purposes of carrying out the functions of a fire and rescue authority under—

- (a) section 6 of the 2004 Act (fire safety);
- (b) section 7 of that Act (fire-fighting);
- (c) section 8 of that Act (road traffic accidents);
- (d) any order under section 9 of that Act (emergencies) which applies to the FRA;
- (e) section 2 of the Civil Contingencies Act 2004 (duty to assess, plan and advise)<sup>(21)</sup> and any subordinate legislation made under that Act applying to the FRA;
- (f) any other provision of, or made under, an enactment which confers functions on a fire and rescue authority;

“FRA” means the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority;<sup>(22)</sup>

“highway authority” and “local highway authority” have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act<sup>(23)</sup>;

“lead member” means the member designated pursuant to paragraph 1(2) of Schedule 1;

“Mayor” means the mayor for the Area, except in the term “Mayor of London”;

“PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992<sup>(24)</sup>, as modified by the Combined Authorities (Finance) Order 2017<sup>(25)</sup> in respect of the Mayor’s PCC functions<sup>(26)</sup>;

“PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992<sup>(27)</sup> (as modified by the Combined Authorities (Finance) Order 2017) in respect of the Mayor’s PCC functions;

“Police, Fire and Crime Panel” means the police and crime panel established and maintained in accordance with Schedule 6 to the PRSR Act<sup>(28)</sup> (police and crime panel) for the North Yorkshire police area;

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(20) Section 21 was amended by paragraph 9 of Schedule 1 to the Policing and Crime Act 2017 (c. 3). The Framework is available at <https://www.gov.uk/government/publications/fire-and-rescue-national-framework-for-england>. A hard copy can be obtained by writing to the Fire Strategy and Reform Unit, Home Office, 2 Marsham Street, London, SW1P 4DF.

(21) 2004 c. 36. There are amendments to section 2 not relevant to this instrument.

(22) Established by article 3 of S.I. 2018/970.

(23) Section 1 was amended by the Local Government Act 1985 (c. 51), paragraph 1 of Schedule 4 and Schedule 17, the New Roads and Street Works Act 1991 (c. 22), section 21(2), the Local Government (Wales) Act 1994 (c. 19), paragraph 1(2) and (3) of Schedule 7, the Greater London Authority Act 1999, section 259(1) to (3) and the Infrastructure Act 2015 (c. 7), paragraph 2 of Schedule 7. Section 2 was amended by the New Roads and Street Works Act 1991, section 21(3), the Greater London Authority Act 1999, section 259(4) and (5) and the Infrastructure Act 2015, paragraph 3 of Schedule 7. Section 3 was amended by the Infrastructure Act 2015, paragraph 4 of Schedule 7. Section 329(1) was amended by the Infrastructure Act 2015, paragraph 60(2) of Schedule 1. There are other amendments to section 329 that are not relevant to this Order.

(24) 1992 c. 14. Section 42A was inserted by section 75 of the 2011 Act and amended by article 3 of S.I. 2014/389. Section 107G of the 2009 Act provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

(25) S.I. 2017/611.

(26) “PCC functions” is defined in section 107F(3) of the 2009 Act.

(27) Section 42A was inserted by section 75 of the 2011 Act and amended by S.I. 2014/389. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

(28) Schedule 6 was amended by paragraph 92 of Schedule 1 to the Policing and Crime Act 2017.

“proper officer”, in relation to a body and any purpose or area, means an officer appointed by the body for that purpose or area.

## PART 2

### Establishment of the Combined Authority and election of the Mayor

#### Establishment

**3.—**(1) There is established as a body corporate a combined authority for the areas of the constituent councils.

(2) The combined authority is to be known as the York and North Yorkshire 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).

#### Mayor

**4.—**(1) There is to be a mayor for the Area.

(2) The first election for the return of the Mayor is to take place on 2nd May 2024.

(3) Subsequent elections for the return of the Mayor for the Area must take place in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the Mayor returned at an election for the return of a mayor for the Area in 2024—

(a) begins with 7th May 2024; and

(b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area.

(5) The term of office of the Mayor returned in each subsequent fourth year—

(a) begins with the fourth day after the day of the poll at the election for the return of the Mayor for the Area; and

(b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area.

(6) In this article “ordinary day of election” in relation to any year, means the day which is the ordinary day of election in that year of councillors for counties and districts in England as determined in accordance with section 37 of the Representation of the People Act 1983<sup>(29)</sup>.

#### Political adviser

**5.—**(1) The Mayor may appoint one person as their political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

(a) the term of office for which the Mayor who made the appointment was elected; or

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<sup>(29)</sup> 1983 c. 2. Section 37 was amended by the Representation of the People Act 1985 (c. 50), section 18, the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3, paragraphs 1 and 5 and the Wales Act 2017 (c. 4), section 6. There are other amendments not relevant to this instrument.

- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- (4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.
- (5) Section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)<sup>(30)</sup> applies in relation to an appointment under paragraph (1) as if—
- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
  - (b) the Combined Authority were a relevant authority for the purposes of that section.
- (6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words from “and that the appointment terminates” to the end of that subsection were omitted.

### Constitution

6. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

## PART 3

### Housing, regeneration and planning

#### Conferral of functions corresponding to functions that the HCA has in relation to the Area

- 7.—(1) The functions of the Homes and Communities Agency (“HCA”)<sup>(31)</sup> which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—
- (a) section 5 (powers to provide housing or other land);
  - (b) section 6 (powers for regeneration, development or effective use of land);
  - (c) section 7 (powers in relation to infrastructure);
  - (d) section 8 (powers to deal with land etc);
  - (e) section 9 (acquisition of land);
  - (f) section 10 (restrictions on disposal of land);
  - (g) section 11 (main powers in relation to acquired land)<sup>(32)</sup>;
  - (h) section 12 (powers in relation to, and for, statutory undertakers);
  - (i) section 19 (power to give financial assistance);
  - (j) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
  - (k) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

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<sup>(30)</sup> Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237. There are other amendments not relevant to this instrument.

<sup>(31)</sup> The HCA was established by section 1 of the 2008 Act.

<sup>(32)</sup> Section 11 was amended by section 32(1), (2) and (3) of the Infrastructure Act 2015 (c. 7).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objectives of—

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act(33).

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function referred to in sub-paragraph (e) of paragraph (1) is subject to the condition set out in paragraph 4 (7) of Schedule 1 to this Order (Proceedings of the Combined Authority).

### **Acquisition and appropriation of land for planning and public purposes**

**8.—**(1) The functions of the constituent councils specified in the following provisions as applied by article 9 (2) to (5) are exercisable by the Combined Authority in relation to the Area—

- (a) section 17 of the 1985 Act (acquisition of land for housing purposes)(34);
- (b) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes);
- (c) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(35);
- (d) section 227 of the 1990 Act (acquisition of land by agreement);
- (e) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (f) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (g) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (h) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(36);
- (i) section 235 of the 1990 Act (development of land held for planning purposes);
- (j) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(37);
- (k) section 238 of the 1990 Act (use and development of consecrated land(38));
- (l) section 239 of the 1990 Act (use and development of burial grounds); and
- (m) section 241 of the 1990 Act (use and development of open spaces).

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(33) There are amendments to Schedule 2 not relevant to this instrument.

(34) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(35) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the Fire and Rescue Services Act 2004 (c. 13).

(36) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(37) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(38) Section 238 was amended by section 124 of the 2023 Act.



(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(3) The exercise of the functions referred to in sub-paragraphs (a) and (c) of paragraph (1) is subject to the condition set in paragraph 4 (7) of Schedule 1 to this Order (Proceedings of the Combined Authority).

### **Application of provisions of the 1985 Act, the 1990 Act and the 2008 Act**

9.—(1) This article has effect in consequence of articles 7 and 8.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 8(1)(a) and (b) the Combined Authority is to be treated as a local housing authority for the Area<sup>(39)</sup>.

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority, and land which has been vested in or acquired by the Combined Authority for planning and public purposes, as it applies to a constituent council and land which has been vested in or acquired by a constituent council for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2 to this Order (Modifications of the 2008 Act).

## **PART 4**

### **Mayoral development corporation**

#### **Mayoral development corporation**

10.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)<sup>(40)</sup>;
- (d) section 202 (functions in relation to town and country planning)<sup>(41)</sup>;
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)<sup>(42)</sup>;
- (i) section 217 (dissolution: final steps);

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<sup>(39)</sup> In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

<sup>(40)</sup> Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

<sup>(41)</sup> Section 81 of the 2023 Act makes amendments to section 202.

<sup>(42)</sup> Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.



- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

### **Application of provisions in the 2011 Act**

**11.**—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3 to this Order.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3 to this Order.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 17, 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme;
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Secretary of State to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(43);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(44);
- (c) section 38 of the 1999 Act (delegation)(45);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(46);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(47);
- (f) section 73 of the 1999 Act (monitoring officer)(48);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)(49);
- (h) section 424 of the 1999 Act (interpretation)(50);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(51); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(52).

(7) In this article, “scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

### **Mayoral development corporation: incidental provisions**

**12.**—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(53); and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of section 1.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(54) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

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(43) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(44) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by S.I. 2012/1530.

(45) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.

(46) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the PSSR Act, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.

(47) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(48) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.

(49) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.

(50) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(51) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(52) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(53) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(54) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public

- (3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation as if—
- (a) each reference to a functional body were a reference to a Corporation;
  - (b) each reference to the Greater London Authority were a reference to the Combined Authority;
  - (c) each reference to the Mayor of London were a reference to the Mayor; and
  - (d) subsection (7) were omitted.

## PART 5

### Transport

#### Local Transport

**13.**—(1) The following functions are exercisable by the Combined Authority in relation to the Area—

- (a) the functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985<sup>(55)</sup>;
- (b) the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.

(2) Subject to paragraph (3), the functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the constituent councils.

(3) The functions described in section 108(1)(b), (2ZA) and (3B), and section 109(4) of the 2000 Act<sup>(56)</sup> are exercisable by the Combined Authority concurrently with the constituent councils, subject to the modifications set out in paragraph (4).

(4) The modifications are—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed under section 108(1)(a) of the 2000 Act in accordance with the functions conferred on the Combined Authority by paragraph (1)(b);
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan prepared under section 108(3) in accordance with the functions conferred on the Combined Authority by paragraph (1)(b); and
- (c) in section 109(4), the reference to “their local transport plan” is a reference to the local transport plan prepared under section 108(3) in accordance with the functions conferred on the Combined Authority by paragraph (1)(b).

#### Agreements between authorities and strategic highways companies

**14.**—(1) The following functions are exercisable by the Combined Authority in relation to the Area—

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Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of S.I. 2001/2237.

<sup>(55)</sup> 1985 c. 67.

<sup>(56)</sup> Section 108 was amended by section 3 of, and paragraph 2 of the Schedule to, the Transport (Wales) Act 2006 (c. 5), sections 7 to 9 of, and paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7 to, the Local Transport Act 2008 (c. 26), and by section 119 of, and paragraph 96 of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of, and paragraph 3 of the Schedule to, the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2008, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

- (a) the functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(**57**);
  - (b) the functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**58**).
- (2) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.
- (3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

### **Civil enforcement of road traffic contraventions**

**15.**—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Enforcement Area comprising the civil enforcement areas of the constituent councils—

- (a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraphs 9 and 10 of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London)(**59**), to the TM Act;
  - (b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(**60**); and
  - (c) the Civil Enforcement of Road Traffic Contraventions (Representation and Appeals) Regulations 2022(**61**).
- (2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).
- (3) In this article—
- (a) “civil enforcement area” means an area designated as a civil enforcement area under Schedule 8 to the TM Act (civil enforcement areas and enforcement authorities) which falls within the Area;
  - (b) “Enforcement Area” means the area comprising all of the civil enforcement areas of the constituent councils; and
  - (c) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the TM Act pursuant to paragraph 9(4) or 10(5) of Schedule 8 to that Act.
- (4) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

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(57) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(58) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(59) Paragraph 9 of Schedule 8 to the Traffic Management Act 2004 (c. 18) is amended by paragraph 19 of Schedule 11 to the Deregulation Act 2015 (c. 20). There are amendments to Part 6 of the Traffic Management Act 2004 that are not relevant to this instrument.

(60) S.I. 2022/71.

(61) S.I. 2022/576.

### Grants to bus service operators

16.—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) (grants to bus service operators) of the 2000 Act is exercisable by the Combined Authority in relation to the Area.

(2) For the purpose of paragraph (1), section 154(1) of the 2000 Act has effect as if the words “with the approval of the Treasury” were omitted.

(3) Grants made by virtue of the functions conferred by paragraph (1) must be—

- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the 2000 Act; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the 2000 Act and notified to the Combined Authority.

(4) Grants must not be made by virtue of the function conferred by paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) The function mentioned in paragraph (1) is exercisable concurrently with the Secretary of State in relation to the Area.

(6) In this article, “eligible bus services” has the meaning given by section 154(5) of the 2000 Act.

### Traffic regulation

17.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1 (traffic regulation orders outside Greater London)(**62**);
- (b) section 2 (what a traffic regulation order may provide)(**63**);
- (c) section 9 (experimental traffic orders)(**64**).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils as local traffic authorities of those functions.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an “order making authority” are to be read as including references to the Combined Authority.

(6) In this article—

- (a) “the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(**65**); and

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(62) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000 (c. 38), section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(63) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(64) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(65) S.I. 1996/2489.

(b) “local traffic authority” has the meaning given by section 121A(66) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

### **Transport functions related to traffic signs and pedestrian crossings**

**18.**—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

(a) section 23 (pedestrian crossings)(67); and

(b) section 65 (placing of traffic signs)(68).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) In consequence of sub-paragraphs (a) and (b) of paragraph (1), the Combined Authority, in the discharge of the functions conferred on it by those provisions—

(a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the 1980 Act(69); and

(b) is to be treated as a local traffic authority for the roads in relation to which the functions are exercised.

(4) In this article, “local traffic authority” has the meaning given by section 121A of the 1984 Act.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

### **Apparatus affected by highway, bridge or transport works**

**19.**—(1) The functions of the constituent councils as highway authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Area—

(a) sections 83, 84 and 85 of the 1991 Act(70); and

(b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this article—

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(66) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991. It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and [S.I. 1999/1820](#) and [S.I. 2001/1400](#).

(67) Section 23 was amended by Schedule 17 to the Local Government Act 1985 (c. 51), Schedule 8 to the New Roads and Street Works Act 1991, Schedule 10 to the Deregulation Act 2015 (c. 20) and Schedule 8 to the Infrastructure Act 2015.

(68) Section 65 was amended by section 153 of the Local Government and Housing Act 1989 (c. 42), Schedule 4 to the Road Traffic Act 1991, Schedule 8 of the New Roads and Street Works Act 1991, Schedule 1 of the Infrastructure Act 2015, section 41 of the Scotland Act 2016 (c. 11) and Schedule 6 to the Wales Act 2017 (c. 4).

(69) Section 62 was amended by paragraph 1 of Schedule 10 to the Transport Act 1981 (c. 56), by section 1(1) of the Traffic Calming Act 1992 (c. 30) and by section 102 of and Schedule 17 to the Local Government Act 1985 (c. 51); section 278 was substituted by section 23 of the New Roads and Street Works Act 1991.

(70) Section 83 was amended by section 40 of, and Schedule 1 to the Traffic Management Act 2004 (c. 18).



- (a) “the 1991 Act” means the New Roads and Street Works Act 1991(71);
- (b) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(72);
- (c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations; and
- (d) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act(73).

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

### Permit schemes

**20.**—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the TM Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)(74);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(75); and
- (c) section 36 (variation and revocation of permit schemes)(76).

(2) The functions of the constituent councils as Permit Authorities specified in the 2007 Regulations are exercisable by the Combined Authority in relation to the Area.

(3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) Part 3 of the TM Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council as a local highway authority, subject to the modifications in Schedule 4 to this Order.

(5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council as a Permit Authority.

(6) For the purposes of paragraph (5), references in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined Authority.

(7) In this article—

- (a) “Permit Authority” has the same meaning as in regulation 2(1) of the 2007 Regulations;
- (b) “permit scheme” is to be construed in accordance with section 32 of the TM Act; and
- (c) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(77).

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(71) 1991 c. 22.

(72) S.I. 2000/3314.

(73) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004.

(74) Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

(75) Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(76) Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(77) S.I. 2007/3372.



(8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

### **Lane rental schemes**

**21.**—(1) The functions of the constituent councils approved as Approved Authorities that are specified in the 2012 Regulations are exercisable by the Combined Authority in relation to the Area.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent council.

(3) The 2012 Regulations apply in relation to the operation of lane rental schemes by the Combined Authority as they apply in relation to the operation of lane rental schemes by a constituent council that is an Approved Authority.

(4) For the purposes of paragraph (3), references in the 2012 Regulations to an Authorised Authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “Approved Authority” has the same meaning as in regulation 2 of the 2012 Regulations;
- (b) “lane rental scheme” means a scheme whereby an undertaker executing street works in a maintainable highway is required to pay to the highway authority a charge determined by reference to the duration of the works; and
- (c) “the 2012 Regulations” means the Street Works Charges for Occupation of the Highway (England) Regulations 2012(78).

(6) The Combined Authority may not exercise the functions conferred by paragraph (1) unless—

- (a) all of the constituent councils are Approved Authorities; and
- (b) each constituent council in whose area it is proposed that the functions are to be exercised has consented—
  - (i) to the exercise of those functions; and
  - (ii) to the exercise of the functions specified in article 20 (permit schemes) pursuant to paragraph (8) of that article.

### **Power to pay grant**

**22.**—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraph (1) the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the constituent council in question has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account any other sources of funding available to the constituent council in question for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

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(78) [S.I. 2012/425](#).

- (a) in subsection (1)—
  - (i) the reference to a “Minister of the Crown” were a reference to the Combined Authority;
  - (ii) the reference to a “local authority in England” were a reference to a constituent council;
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(7) In this article, “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

### **Amendment of the Sub-national Transport Body (Transport for the North) Regulations 2018**

**23.**—(1) The Sub-national Transport Body (Transport for the North) Regulations 2018<sup>(79)</sup> are amended in accordance with paragraph (2).

- (2) In regulation 2(1) (interpretation) in the definition of “constituent authorities”—
  - (a) omit “The Council of the City of York” and “North Yorkshire Council”; and
  - (b) after “Westmorland and Furness Council<sup>(80)</sup>”, insert “The York and North Yorkshire Combined Authority”.

## **PART 6**

### **Additional functions**

#### **Data sharing**

**24.**—(1) The functions of the constituent councils specified in section 17A (sharing of information) of the Crime and Disorder Act 1998<sup>(81)</sup> are exercisable by the Combined Authority in relation to the Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998<sup>(82)</sup>.

(3) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

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<sup>(79)</sup> S.I. 2018/103.

<sup>(80)</sup> Westmorland and Furness Council was established by S.I. 2022/331. S.I. 2023/187 amended the Sub-national Transport Body (Transport for the North) Regulations 2018 accordingly.

<sup>(81)</sup> 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

<sup>(82)</sup> Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); sections 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; and by S.I. 2000/90, S.I. 2002/2469, S.I. 2007/961, S.I. 2008/912, S.I. 2010/866 and S.I. 2013/602.

### Assessment of economic conditions

**25.**—(1) The function of the constituent councils specified in section 69 of the 2009 Act (duty to prepare an assessment of economic conditions) is exercisable by the Combined Authority in relation to the Area.

(2) The function referred to in paragraph (1) is exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise that function may be fulfilled by the exercise of that function by the Combined Authority.

(4) Section 69 of the 2009 Act applies to the Combined Authority as it applies to a constituent council.

### Incidental provisions

**26.**—(1) The following provisions of the Local Government Act 1972<sup>(83)</sup> have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 113 (the power to place staff at the disposal of other local authorities);
- (b) section 142(2) (the power to arrange for publication of information etc relating to the functions of the Combined Authority);
- (c) section 144 (the power to encourage visitors and provide conference and other facilities);
- (d) section 145 (the power to provide and support cultural activities and entertainments); and
- (e) section 222 (power to prosecute and defend legal proceedings).

(2) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985<sup>(84)</sup> (research and collection of information) whether or not a scheme is made under that section.

(3) For the purposes of paragraph (2), paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the Area.

(4) Section 13 of the 1989 Act (voting rights of members of certain committees)<sup>(85)</sup> has effect as if—

- (a) in subsection (4) after paragraph (h) there were inserted—
  - “(i) subject to subsection (4A), a committee appointed by the York and North Yorkshire Combined Authority.”;
- (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 is a member of one of the constituent councils.”.

(5) In Part 2 of Schedule 3 to the Local Government Pension Scheme Regulations 2013<sup>(86)</sup>, in the table insert at the end—

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<sup>(83)</sup> 1972 c. 70

<sup>(84)</sup> 1985 c. 51.

<sup>(85)</sup> Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994; by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; by section 7 of the Policing and Crime Act 2017; and by S.I. 2010/1158.

<sup>(86)</sup> S.I. 2013/2356. There are amendments to Part 2 which are not relevant to this instrument.

“An employee of the York and North Yorkshire Combined Authority established by the York and North Yorkshire Combined Authority Order 2023	North Yorkshire Council”.
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(6) The functions of the constituent councils under section 1 of the 2011 Act, to the extent that those functions are exercisable for the purpose of economic development and regeneration, are exercisable by the Combined Authority in relation to the Area.

(7) The functions referred to in paragraph (6) are exercisable concurrently with the constituent councils.

(8) 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.

## PART 7

### Mayoral functions

#### Functions exercisable only by the Mayor

**27.**—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

- (a) section 17(3) of the 1985 Act;
- (b) sections 108 (local transport plans), 109 (further provision about plans: England), 112 (plans and strategies: supplementary) and 154(1) (grants to bus service operators) of the 2000 Act;
- (c) section 31 (power to pay grant) of the 2003 Act;
- (d) section 9(2) of the 2008 Act;
- (e) in relation to the functions conferred by article 30 of this Order, the BRS Act; and
- (f) sections 197, 199, 200, 202, 204, 214 to 217 and 219 to 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to, the 2011 Act.

(3) For the purposes of the exercise of the general functions<sup>(87)</sup> mentioned in paragraph (2), the members and officers of the Combined Authority may assist the Mayor in the exercise of the function.

(4) For the purposes of the exercise of the functions mentioned in paragraph (2), the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)<sup>(88)</sup>.

(5) The Mayor must not make arrangements under section 107D(3)(b) of the 2009 Act (functions of mayors: general) in relation to the functions specified in paragraph (2)(e), in relation to a political adviser appointed under article 5.

<sup>(87)</sup> “general functions” are defined at section 107D of the 2009 Act and are any functions exercisable by the mayor other than PCC functions.

<sup>(88)</sup> Section 113A was inserted by section 13(1) of the 2011 Act and amended by paragraph 25 of Schedule 5 to the 2016 Act.

### Joint committees

**28.**—(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972<sup>(89)</sup> for the discharge of the general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 27.

(2) In this article, “other council” means the council for a county or district in England.

## PART 8

### Funding

#### Funding

**29.**—(1) Subject to paragraphs (3) to (6), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions referred to in article 27(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion of the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board<sup>(90)</sup>.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under paragraph (3)—

- (i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring such expenditure; and
- (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992<sup>(91)</sup> is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992<sup>(92)</sup>.

(6) For the financial year commencing on 1st April 2024, the costs incurred by the Mayor in the exercise of the functions referred to in Part 9 must be met by the precept issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992 for that financial year.

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<sup>(89)</sup> 1972. c. 70.

<sup>(90)</sup> Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37)

<sup>(91)</sup> 1992. c. 14.

<sup>(92)</sup> S.I. 1992/2789.

(7) For the purposes of paragraph (3), the “relevant date” in relation to a payment for a financial year is 30 June in the financial year which commenced two years prior to the financial year in which such payment is to be made.

### **Conferral of Business Rate Supplements functions**

**30.**—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act.

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRS Act.

### **Adaptation of BRS in consequence of article 30**

**31.** For the purposes of article 30, the BRS Act applies to the Combined Authority as if—

- (a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act included references to the Combined Authority; and
- (b) references in that Act to a lower-tier authority were, in relation to the Combined Authority, references to a district council whose area forms part of the Area.

## **PART 9**

### **Police and crime commissioner functions**

#### **Police and crime commissioner functions**

**32.**—(1) The Mayor is to exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 7th May 2024.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on or after 7th May 2024) by virtue of section 50(1)(b) of the PRSR Act (ordinary elections)**(93)** is not to take place.

(4) The term of office of the police and crime commissioner for North Yorkshire is to continue until 7th May 2024.

(5) Any election to fill a vacancy in the office of police and crime commissioner for North Yorkshire which would otherwise take place under section 51 of the PRSR Act (election to fill vacancy in office of commissioner)**(94)** is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 2nd May 2024.

#### **Transfer of police and crime commissioner functions**

**33.**—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor’s PCC functions**(95)**, as a police and crime commissioner for the purposes of all police and crime commissioner enactments, whenever passed or made**(96)**.

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**(93)** Section 50 was amended by section 8(1) – (4) of the Wales Act 2017 (c. 4).

**(94)** Section 51 was amended by section 8(5) of the Wales Act 2017.

**(95)** “PCC functions” is defined at section 107F(3) of the 2009 Act.

**(96)** “Police and crime commissioner enactment” is defined at paragraph 12(5) of Schedule 5C to the 2009 Act.

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to the enactments set out in Schedule 6.

### **Transfer of property, rights and liabilities**

**34.**—(1) All property, rights and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights and liabilities of the police and crime commissioner for North Yorkshire are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 7th May 2024.

(2) In relation to the property rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor’s PCC functions on or after 7th May 2024—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities, whether arising from their use, sale, disposal or otherwise, are to be paid into the police fund kept by the Mayor by virtue of section 21 of the PRSR Act (police fund).

(3) All monies held in the police fund kept by the police and crime commissioner for North Yorkshire under section 21 of the PRSR Act immediately before 7th May 2024 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section, as applied in accordance with article 33.

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18 of the PRSR Act (delegation of functions by police and crime commissioners)<sup>(97)</sup>, as applied in accordance with article 33 in relation to the matters mentioned in paragraph (2).

### **Secondments**

**35.** In the case of a person who immediately before 7th May 2024 is seconded to the police and crime commissioner for North Yorkshire, the secondment is to have effect, beginning on that date as a secondment to the Combined Authority.

### **Continuity**

**36.**—(1) The abolition of the police and crime commissioner for North Yorkshire, the transfer or abolition of the commissioner’s functions and the transfer of the commissioner’s property, rights and liabilities do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Part from the police and crime commissioner for North Yorkshire to the Combined Authority.

(3) 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; and
- (b) is in the process of being done by or in relation to the police and crime commissioner for North Yorkshire immediately before 7th May 2024.

(4) Anything which—

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(97) Section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the 2011 Act, paragraphs 115 and 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and by section 23(2) of the Policing and Crime Act 2017 (c. 3).



(a) was made or done by or in relation to the police and crime commissioner for North Yorkshire 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 7th May 2023,

has effect as if made or done by or in relation to the Combined Authority.

(5) The Combined Authority is to be substituted for the police and crime commissioner for North Yorkshire in any instrument, contract or legal proceedings which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is made or commenced before 7th May 2024.

(6) In this article a reference to the transfer of a function includes a reference to the abolition of a function and the conferral of a corresponding function on another person.

### **Foreign property etc, perfection of vesting**

**37.**—(1) Subsections (2) to (8) of section 414 of the 1999 Act (foreign property, rights and liabilities: perfection of vesting)(98) apply to the transfer by or under this Part of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Part; and
- (b) references to the transferor and transferee are to be construed accordingly.

### **Transfers: supplementary provision**

**38.**—(1) All property, rights and liabilities transferred by this Part are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Part, whether or not any consent required to the transfer has been obtained.

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document is to operate or become exercisable or be contravened, by reason of the transfer made by this Part.

(4) Paragraphs (1) to (3) have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Part of land or other property.

(5) In paragraph (3), “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument.

### **Extension of financial year of Police and Crime Commissioner and Chief Constable for North Yorkshire**

**39.**—(1) The following requirements are modified in the case of the police and crime commissioner for North Yorkshire and the chief constable for the financial year which began on 1st April 2023.

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**99**) to prepare a statement of accounts for each financial year ending with 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**100**) is modified so that the relevant responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 18th June 2024.

(4) In this article—

“the chief constable” means the chief constable of the police force for North Yorkshire;

“the relevant responsible financial officer”(**101**) means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the Combined Authority; and
- (b) in relation to the chief constable, the responsible financial officer for the police force for North Yorkshire.

### **Modification to the Local Government Act 1972**

**40.**—(1) Section 86 of the Local Government Act 1972 (declaration by local authority of vacancy in office in certain cases)(**102**) applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

- (d) ceases to be the Mayor by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011,”.

## **PART 10**

### **Fire and rescue functions**

#### **Transfer of functions of the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority**

**41.**—(1) The functions of the FRA that are exercisable in relation to the Area are to be functions of the Combined Authority.

(2) The Combined Authority is the fire and rescue authority for the Area for the purposes of the 2004 Act.

(3) The FRA is abolished.

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(99) 2014 c. 2.

(100) S.I. 2015/234. Relevant amendments were made by S.I. 2020/404, 2021/263, and 2021/565.

(101) “Responsible financial officer” is defined in regulation 2(2) of the Accounts and Audit Regulations 2015.

(102) 1972 c. 70. Section 86 was amended by paragraph 8 of Schedule 14 to the Local Government Act 1985 (c. 51) and by section 59 of and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments not relevant to this instrument.

### **General functions of the Combined Authority exercisable only by the Mayor**

**42.**—(1) The fire and rescue functions of the Combined Authority are exercisable only by the Mayor.

(2) For the purposes of the exercise of the fire and rescue functions, the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority).

(3) Members and officers of the Combined Authority may assist the Mayor in the exercise of the fire and rescue functions.

### **Arrangements for exercise of fire and rescue functions**

**43.**—(1) The Mayor may not make arrangements under section 107D(3) of the 2009 Act (functions of mayors: general) that authorise the exercise of any of the fire and rescue functions to which article 45 applies.

(2) The Mayor may arrange under section 107D(3) of the 2009 Act for the exercise of fire and rescue functions, other than any of the functions to which article 45 applies, by—

- (a) the deputy mayor for policing and crime; or
- (b) a committee of the Combined Authority.

(3) The Mayor may not make arrangements described in paragraph (2)(a), and arrangements described in paragraph (2)(b), to have effect concurrently.

(4) Where the Mayor makes arrangements described in paragraph (2)(a), the deputy mayor for policing and crime may, for the purpose of the exercise of fire and rescue functions, do anything that the Combined Authority may do under section 113A of the 2009 Act.

(5) Where the Mayor makes arrangements described in paragraph (2)(b), the committee is to be known as the fire committee.

### **Members of fire committee**

**44.**—(1) The Mayor is to appoint one member of the fire committee on the nomination of each constituent council.

(2) The constituent council is to nominate a person to be a member of the fire committee from amongst that council's constituent members.

(3) Where the Mayor decides not to appoint a person under paragraph (1) who has been nominated by a constituent council, that council may nominate a further person from that council's elected members.

(4) The Mayor may appoint a maximum of five further members of the fire committee from the elected members of one or more of the constituent councils.

(5) The Mayor and the constituent councils must, when appointing or nominating members to the fire committee, ensure that the members of the fire committee taken as a whole reflect so far as reasonably practicable the balance of the political parties for the time being prevailing among the constituent councils when taken together.

(6) The Mayor must appoint one of the members of the fire committee to serve as the chair of the committee.

(7) A member of the fire committee ceases to be a member of that committee if that person ceases to be a member of the constituent council of which that person had been a member at the time of their appointment to the Committee.

(8) A member of the fire committee may resign as a member of the fire committee by written notice served on the proper officer of the constituent council which that person had been a member

of at the time of their appointment to the committee and the resignation is to take effect on receipt of the notice by the proper officer.

(9) The Mayor may at any time terminate the appointment of a member of the fire committee who has not attended a meeting of the fire committee during a period of six consecutive months beginning with the date of that member's last attendance.

(10) Where a person ceases to be a member of the fire committee by virtue of paragraph (7), (8) or (9)—

- (a) where paragraph (1) applied to that person, the constituent council that nominated the member must as soon as practicable give written notice to the Mayor and nominate another person from that council's elected members;
- (b) the Mayor must appoint another person to be a member of the fire committee.

(11) Where an elected member of the constituent council is appointed by the Mayor to be a member of the fire committee, that constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to that member and also a travelling and subsistence allowance.

(12) In this article—

“special responsibility allowance” and “travelling subsistence allowance” have the same meaning as in the Local Authorities (Members' Allowances) (England) Regulations 2003(103).

### **Fire and rescue functions excluded from the power to make arrangements**

**45.—**(1) This article applies to the following fire and rescue functions—

- (a) functions under the following provisions of the 2004 Act—
  - (i) section 13 (reinforcement schemes);
  - (ii) section 15 (arrangements with other employers of fire-fighters);
  - (iii) section 16 (arrangements for discharge of functions by others);
- (b) the functions of—
  - (i) appointing, suspending or dismissing the chief fire officer;
  - (ii) approving the terms of appointment of the chief fire officer;
  - (iii) holding the chief fire officer to account for managing the fire and rescue service;
- (c) approving—
  - (i) the community risk management plan;
  - (ii) the fire and rescue declaration;
- (d) approving plans, modifications to plans and additions to plans for the purpose of ensuring that—
  - (i) as far as reasonably practicable, the Combined Authority is able to perform its fire and rescue functions if an emergency occurs, and
  - (ii) the Combined Authority is able to perform its functions so far as is necessary or desirable for the purpose of preventing an emergency or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it;
- (e) approving any arrangements for the co-operation of the Combined Authority in relation to its fire and rescue functions with other Category 1 responders and Category 2 responders in respect of—

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(103) S.I. 2003/1021, to which there are amendments not relevant to this instrument.

- (i) the performance of the Combined Authority’s duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004 (duty to assess, plan and advise);
- (ii) any duties under subordinate legislation made in exercise of powers under that Act.

(2) In paragraph (1)(d) “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 (meaning of “emergency”)(104).

(3) In paragraph (1)(e) “Category 1 responder” and “Category 2 responder” have the meanings given in section 3 of the Civil Contingencies Act 2004 (section 2: supplemental)(105).

**Police, Fire and Crime Panel: oversight functions in relation to fire and rescue functions**

**46.**—(1) The Police, Fire and Crime Panel has the oversight functions set out in articles 47 to 49, and by virtue of Schedule 7, in relation to—

- (a) any fire and rescue functions of the Mayor that are exercisable by the deputy mayor for policing and crime as a result of arrangements described in article 43(2)(a); and
- (b) fire and rescue functions exercisable by the Mayor.

(2) The modifications of enactments set out in Schedule 7 have effect for the purpose of the application of those enactments to the Combined Authority as a fire and rescue authority.

**Police, Fire and Crime Panel: scrutiny of the community risk management plan**

**47.**—(1) Before issuing a community risk management plan or varying the Combined Authority’s priorities and objectives set out in a community risk management plan, the Mayor must—

- (a) consult the chief fire officer in preparing the draft plan, or the draft variation;
- (b) send the draft priorities and objectives, or the draft variation of the priorities and objectives, to the Police, Fire and Crime Panel;
- (c) have regard to any report or recommendations made by the Police, Fire and Crime Panel in relation to the draft priorities and objectives, in accordance with section 28(3)(106) of the PRSR Act; and
- (d) as soon as reasonably practicable, give the Police, Fire and Crime Panel a response to any such report or recommendations, and publish the response in such manner as the Mayor considers appropriate.

(2) In complying with paragraph (1)(b), the Mayor must ensure that the Police, Fire and Crime Panel has a reasonable amount of time to consider the draft priorities and objectives, or the draft variation of the priorities and objectives, and to produce its report or recommendations.

(3) The Mayor must consult the chief fire officer before issuing or varying a community risk management plan if, and to the extent that, the priorities and objectives in the plan or variation are different from the draft prepared in accordance with paragraph (1).

(4) The Mayor must keep the priorities and objectives in the community risk management plan under review and, in particular, review them in the light of any report or recommendations made to the Mayor by the Police, Fire and Crime Panel under section 28(4) of the PRSR Act.

(5) If the Mayor issues or varies a community risk management plan, the Mayor must—

- (a) send a copy of the issued community risk management plan, or the variation, to the chief fire officer; and

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(104) There are amendments to section 1 not relevant to this instrument.

(105) Section 3 was amended by S.I. 2018/644. There are other amendments not relevant to this instrument.

(106) Section 28 was amended by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(b) publish a copy of the issued plan, or the variation, in such manner as the Mayor considers appropriate.

(6) The duty under paragraph (5) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.

(7) In this article, “priorities and objectives” means the Combined Authority’s priorities and objectives in connection with the discharge of the Combined Authority’s functions as a fire and rescue authority, as required to be set out in the community risk management plan.

### **Notification of proposed allocation of budget for fire and rescue functions**

**48.**—(1) The Mayor must, in each financial year, notify the Police, Fire and Crime Panel of the Mayor’s proposed allocation of the draft budget for fire and rescue functions, including the proposed allocation of the element of the general precept attributable to fire and rescue functions, in relation to the following financial year.

(2) The notification described in paragraph (1) must be given—

- (a) before the date on which the Combined Authority determines whether to approve the Mayor’s annual budget in relation to the following financial year; and
- (b) at a time which permits the Police, Fire and Crime Panel a reasonable amount of time to review the proposed allocation of budget before the Combined Authority makes its determination.

### **Police, Fire and Crime Panel review of proposed budget**

**49.**—(1) The Police, Fire and Crime Panel must review any proposed allocation of budget notified to it under article 48.

(2) The Police, Fire and Crime Panel must make a report to the Mayor in relation to the proposed allocation of budget.

(3) The Mayor must—

- (a) have regard to any report made under paragraph (2) and to any recommendations made in it;
- (b) provide the Police, Fire and Crime Panel with a response to the report and any recommendations made in it;
- (c) notify the Police, Fire and Crime Panel of any material changes to the budget for fire and rescue functions after it has been finalised; and
- (d) publish the response mentioned in sub-paragraph (b), and any notification under sub-paragraph (c)—
  - (i) in such manner as is required by the Police, Fire and Crime Panel; and
  - (ii) in any event, in a prominent place on the website of the Combined Authority.

### *Transitional arrangements and asset transfers*

### **Transfer of property, rights and liabilities**

**50.**—(1) All property, rights and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights and liabilities of the FRA are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 6 May 2024.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Combined Authority's fire and rescue functions on or after 7th May 2024—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor.

(3) Subject to article 45 nothing in paragraph (2) prevents the Mayor from making arrangements under section 107D(3) of the 2009 Act in relation to the matters mentioned in paragraph (2).

### **Secondments**

**51.** In the case of a person who, immediately before 7th May 2024 is seconded to the FRA, the secondment is to have effect, beginning on 7th May, as a secondment to the Combined Authority.

### **Continuity**

**52.**—(1) The abolition of the FRA, the transfer or abolition of the FRA's functions and the transfer of the FRA's property, rights and liabilities do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Part from the FRA to the Combined Authority.

(3) 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 or rights transferred; and
- (b) is in the process of being done by or in relation to the FRA immediately before 7th May 2024.

(4) There has effect as if made or done by or in relation to the Combined Authority—

- (a) anything which was made or done by or in relation to the FRA 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 7th May 2024.

(5) The Combined Authority is to be substituted for the FRA 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 7th May 2024.

(6) In this article, a reference to the transfer of a function includes a reference to the abolition of a function and the conferral of a corresponding function on another person.

### **Transfers: supplementary provision**

**53.**—(1) All property, rights and liabilities transferred by this Part are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Part, whether or not any consent required to the transfer has been obtained.



(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document is to operate or become exercisable or be contravened, by reason of the transfer made by this Part.

(4) Paragraphs (1) to (3) have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Part of land or other property.

(5) In paragraph (3), “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act, or
- (c) any deed or other instrument.

### **Extension of financial year of fire and rescue authority**

**54.**—(1) The following requirements are modified in the case of the FRA for the financial year which began on 1st April 2023.

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**107**) to prepare a statement of accounts for each financial year ending on 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**108**) is modified so that the responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 18th June 2024.

(4) In this article, “responsible financial officer” has the meaning given in regulation 2(2) of the Accounts and Audit Regulations 2015.

### **Revocation**

**55.** The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018(**109**) is revoked.

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

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(**107**)2014 c. 2.

(**108**)S.I. 2015/234. Relevant amendments were made by S.I. 2020/404, 2021/263, and 2021/565.

(**109**)S.I. 2018/290.

## SCHEDULES

### SCHEDULE 1

Article 6

#### Constitution

##### Membership

1.—(1) Each constituent council must appoint two of its elected members to be members of the Combined Authority

(2) Each constituent council must designate one of the members appointed under sub-paragraph (1) as the lead member.

(3) Each constituent council must appoint two named elected members for each member appointed under sub-paragraph (1), either of whom may act as a member of the Combined Authority in the absence of a member appointed under sub-paragraph (1) (“the substitute members”).

(4) In this Schedule, “members” means a lead member, a non-lead member appointed under sub-paragraph (1) and a substitute member unless the context provides otherwise.

(5) A person ceases to be a member of the Combined Authority if they cease to be a member of the constituent council that appointed them.

(6) A person may resign as a member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them and the resignation takes effect on receipt of that notice.

(7) Where a member of the Combined Authority’s appointment ceases by virtue of sub-paragraph (5) or (6), the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place.

##### Chair and vice-chair

2.—(1) The Combined Authority must appoint a chair from amongst its constituent council members and the appointment is to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.

(2) A person ceases to be chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The chair of the Combined Authority ceases to hold office at the end of the day before the first Mayor’s term of office begins(110).

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(110) Section 107A(6) of the 2009 Act provides that the mayor for the area of a combined authority is by virtue of that office a member of, and chair of, the combined authority.

3.—(1) The Combined Authority must appoint a vice-chair from amongst its constituent council members and the appointment is to be the first business transacted after the appointment of members and the chair of the Combined Authority, at the first meeting of the Combined Authority.

(2) A person ceases to be vice-chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The office of vice-chair is abolished at the end of the day before the first mayor's term of office begins.

### Proceedings

4.—(1) Subject to sub-paragraphs (6) to (14), any decision of the Combined Authority is to be decided by a simple majority of the members present and voting on that question at a meeting of the Combined Authority, and such majority is to include the Mayor, or the Deputy Mayor acting in place of the Mayor or, in the period before the first day of the first mayor's term of office, the chair or, in the absence of the chair, the vice-chair.

(2) Before the first Mayor's term of office begins, no business is to be transacted at a meeting of the Combined Authority unless the chair and at least one member appointed by each constituent council is present.

(3) After the Mayor's term of office begins, no business is to be transacted at a meeting of the Combined Authority unless the Mayor (or the Deputy Mayor acting in place of the Mayor) and at least one member appointed by each constituent council is present.

(4) Each member is to have one vote and no member is to have a casting vote.

(5) If a vote is tied on any matter it is deemed not to have been carried.

(6) The following decisions of the Combined Authority require (in addition to the requirements of sub-paragraph (1)) those voting in favour to include the lead member from each constituent council—

(a) approval or amendment of the Combined Authority's budget (excluding approval or amendment of the Mayor's budget);

(b) issuing the levy pursuant to article 29(5) (transport levy); and

(c) approval or amendment of the Combined Authority's constitution or standing orders.

(7) The exercise of the function in section 17 of the 1985 Act (insofar as that function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of—

(a) the lead member for the constituent councils whose area contains any part of the land subject to the proposed compulsory acquisition, or

(b) a substitute member acting in place of such a member,

(8) Article 8(4) of the Combined Authorities (Finance) Order 2017(111) applies in relation to decisions of the Combined Authority referred to in that paragraph as if the reference to a two thirds majority were a reference to a three quarters majority.

(9) Any decision of the Combined Authority to amend the Mayor's transport plan requires at least three of the members to vote in favour of the amendment.

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(111) S.I. 2017/611.

(10) Any decision of the Mayor which gives rise to a financial liability for a constituent council requires the consent of the lead member appointed by that constituent council.

(11) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

- (a) the lead member for any constituent council whose local government area contains any part of the land to be designated as a Mayoral development area or substitute member acting in place of that member; and
- (b) the North York Moors National Park Authority or the Yorkshire Dales National Park Authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the relevant National Park Authority.

(12) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of the lead member for any constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute member acting in place of that member.

(13) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the lead member for any constituent council whose local government area contains any part of the area to be designated as a Mayoral development area or a substitute member acting in place of that member; and
- (b) the North York Moors National Park Authority or the Yorkshire Dales National Park Authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the relevant National Park Authority.

(14) Any exercise by the Mayor of the functions corresponding to the functions contained in section 17(3) of the 1985 Act (acquisition of land for housing purposes) and section 9(2) of the 2008 Act (acquisition of land) requires the consent of the lead member for any constituent council whose local government area contains any part of the land subject to the proposed compulsory acquisition or a substitute member acting in place of that member.

(15) For the purpose of sub-paragraphs (7), (11)(a), (12), (13)(a) and (14) the consent must be given at a meeting of the combined authority.

## **Remuneration**

**5.** Subject to paragraphs 6 and 7, no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority.

**6.—(1)** The Combined Authority may establish an independent remuneration panel to recommend a scheme to the Combined Authority regarding the allowances payable to—

- (a) the Mayor;
- (b) the Deputy Mayor provided that the Deputy Mayor is not a leader or elected mayor of a constituent council or the Chair of the Local Enterprise Partnership;
- (c) the deputy mayor for policing and crime provided that the deputy mayor for policing and crime is not a leader or elected mayor of a constituent council; and
- (d) independent persons.

(2) An independent remuneration panel must consist of at least three members none of whom may be—

- (a) a member of the Combined Authority or a member of a committee or sub-committee of the Combined Authority or a member of a constituent council; or
  - (b) disqualified from being or becoming a member of the Combined Authority.
- (3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under sub-paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.
7. The Combined Authority may only pay an allowance to the people listed in paragraph 6(1)(a) to (c) if the Combined Authority has—
- (a) considered a report published by the independent remuneration panel established under paragraph 6(1) which contains recommendations for such an allowance; and
  - (b) approved a scheme for the payment of the allowance providing that scheme does not provide for the payment of allowances of an amount in excess of the amount recommended by the independent remuneration panel.

## Records

8.—(1) The Combined Authority must make arrangements for the names of members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Unless the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members present at the meeting are deemed to have been duly qualified to attend.

(6) For the purposes of sub-paragraph (3), the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the Authority, committee or sub-committee to be regarded as suitable, either the next following meeting or that other meeting.

## Standing orders

9. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

## SCHEDULE 2

Article 9

## PART 1

### Modification of the application of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land) and 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 3 of the York and North Yorkshire Combined Authority Order 2023”; and
- (c) “land acquired or held by the HCA” there were substituted a reference to “land acquired or held by the Combined Authority”.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for each reference to “land” there were substituted a reference to “land in the area of the Combined Authority”.

(4) Section 57(1) of the 2008 Act has effect as if before the definition of “develop” there were inserted—

““Combined Authority” means the York and North Yorkshire Combined Authority, a body corporate established under the York and North Yorkshire Combined Authority Order 2023;”.

## PART 2

### Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for each reference to “section 9” of that Act there were substituted a reference to “article 7 of the York and North Yorkshire Combined Authority Order 2023”.

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) has effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for each reference to the HCA there were substituted a reference to the York and North Yorkshire Combined Authority.

## SCHEDULE 3

Article 11

### Modification of the application of Part 8 of, and schedule 21 to the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority established by the York and North Yorkshire Combined Authority Order 2023;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means the North York Moors National Park and the Yorkshire Dales National Park(112); and

“National Park authority” means a National Park authority for a National Park.”.

- (3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—
- (a) “the Greater London Authority” there were substituted “the Combined Authority”;
  - (b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and
  - (c) “MDC” there were substituted “Corporation”.
- (4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—
- (a) in subsection (1) for “Greater London” there were substituted “the Area”;
  - (b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;
  - (c) in subsection (3)(d)—
    - (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) for “the Mayor” in both places there were substituted “the Mayor for the Area”; and
    - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
  - (d) in subsection (3)(e)—
    - (i) for “the Mayor” in both places there were substituted “the Mayor for the Area”; and
    - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
  - (e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
  - (f) in subsection (4)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council whose local government area”;
    - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the Area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park”;
    - (v) paragraphs (f) and (g) were omitted;
  - (g) in subsection (5)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;

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(112) Column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015 (S.I. 2015/770) lists the National Parks.



- (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
  - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
  - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
  - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
  - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
  - (b) for each reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if in subsection (2)—
- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (b) for “the Mayor” in both places there were substituted “the Mayor for the Area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
    - (i) in paragraph (a) for “a London borough council” there were substituted “a district council wholly or partly in the Area”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted “in the Area”;
    - (iv) paragraph (k) were omitted;
  - (b) in subsection (4) paragraph (b) were omitted; and
  - (c) in subsection (10) the definitions of “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
  - (c) in subsection (7) at the end in the definition of “affected local authority” for “(d), (e), (f) or (g)” there were substituted “(d) or (e)”.

- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
  - (b) in subsections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted “in the Area”; and
  - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council wholly or partly in the Area”; and
  - (c) in subsection (4) at the end the definition of “affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
  - (b) in subsection (4)—
    - (i) the definition of “functional body” were omitted; and
    - (ii) in the definition of “permitted recipient”—
      - (aa) paragraph (b) were omitted,
      - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council wholly or partly within the Area”, and
      - (cc) paragraph (e) were omitted.
- (14) Schedule 21 to the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
    - (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
    - (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
    - (iii) “an MDC” there were substituted “the Corporation”;
  - (b) in paragraph 1(1)—
    - (i) for “A Mayoral development corporation (“MDC”)” there were substituted “A Corporation”;
    - (ii) for “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
  - (c) in paragraph 1(2) for “each relevant London council” there were substituted “each relevant district council”;
  - (d) in paragraph 1(3)—
    - (i) sub-paragraph (a) were omitted; and

- (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council”;
- (e) in paragraph 1(5), for ““MDC’s” there were substituted “Corporation’s”;
- (f) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
- (g) in paragraph 3—
  - (i) for “an MDC” there were substituted “a Corporation”;
  - (ii) for “An MDC’s” in each place in which it occurs there were substituted “A Corporation’s”; and
  - (iii) for “the MDC’s” there were substituted “the Corporation’s”;
- (h) in paragraph 4(4) for “the London Assembly” there were substituted “the Combined Authority”;
- (i) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
- (j) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

#### SCHEDULE 4

Article 20(4)

Permit schemes: modification of the application of Part 3 of the Traffic Management Act 2004

1.—(1) Part 3 of the TM Act is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority does not have effect in the Area unless the Combined Authority gives effect to it by order.”; and

- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may by order vary or revoke a permit scheme to the extent that it has effect in the Area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”.

(4) Section 39 (interpretation of Part 3) has effect as if, in subsection (1), after the definition of “the appropriate national authority”, there were inserted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means The York and North Yorkshire Combined Authority;”.

## SCHEDULE 5

Article 33(2)

Modifications of police and crime commissioner enactments in their application to the Mayor

## PART 1

## Primary legislation

**Police (Property) Act 1897**

1.—(1) The Police (Property) Act 1897(**113**) is modified as follows.

(2) In section 2(2A) (regulations with respect to unclaimed property in possession of police), for the last reference to “relevant body” substitute “Combined Authority”.

**Trustee Investments Act 1961**

2.—(1) The Trustee Investments Act 1961(**114**) is modified as follows.

(2) In paragraph 9 of Part 2 of the First Schedule (manner of investment), for “similar officer of the authority” substitute “similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

**Pensions (Increase) Act 1971**

3.—(1) The Pensions (Increase) Act 1971(**115**) is modified as follows.

(2) In paragraph 51(aa) of Schedule 2 (official pensions: court and police staffs), for “a police and crime commissioner” substitute “the police and crime commissioner for North Yorkshire or of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

**Local Government (Miscellaneous Provisions) Act 1976**

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(**116**) is modified as follows.

(2) In section 29(1) (repayment of unclaimed compensation etc. paid into court)(**117**), for “or transferred to the authority”, substitute “to the Mayor, or transferred to the Combined Authority in relation to the Mayor’s PCC functions”.

(3) In section 30(3)(a) (power to forgo repayment of advances of remuneration paid to deceased employees)(**118**), for “maintained by a local authority”, substitute “maintained by the Mayor of the Combined Authority”.

(4) In section 44(1) (interpretation etc. of Part I), in paragraph (a)(**119**) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

(113) 1897 c. 30. Section 2(2A) was inserted by section 1 of the Police (Property) Act 1997 (c. 30) and amended by paragraph 62 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(114) 1961 c. 62. There are amendments to paragraph 9 of Part 2 of the First Schedule not relevant to this instrument.

(115) 1971 c. 56. Paragraph 51 was amended by Part 1 of Schedule 9 to the Police Act 1996 (c. 16) and by paragraph 97 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(116) 1976 c. 57.

(117) Section 29(1) was amended by paragraph 14 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).

(118) Section 30(3) was substituted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(119) The definition of “local authority” was substituted by paragraph 53 of Schedule 14 to the Local Government Act 1985 (c. 51) and amended by paragraph 43(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 127 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and paragraph 36 of Schedule 1 to and paragraph 51 of Schedule 2 to the Policing and Crime Act 2017. There are other amendments not relevant to this instrument.

### Local Government, Planning and Land Act 1980

- 5.—(1) The Local Government, Planning and Land Act 1980(**120**) is modified as follows.
- (2) In section 99 (directions to dispose of land – supplementary)—
- (a) after subsection (2), insert—
- “**(2A)** Where a notice under subsection (1) is received by the Combined Authority which relates to land used wholly or partly in relation to the Mayor’s PCC functions, the Mayor is to make any representations under subsection (2) on behalf of the Combined Authority to the Secretary of State.”;
- (b) in subsection (4)—
- (i) in paragraph (dbzb)(**121**) at the end insert “or, as the case may be, the Mayor”;
- (ii) omit paragraph (dc)(**122**).

### Dartford-Thurrock Crossing Act 1988

- 6.—(1) The Dartford-Thurrock Crossing Act 1988(**123**) is modified as follows.
- (2) In section 19(a)(i) (exemption from tolls), for “a local policing body” substitute “the Combined Authority for use in relation to the exercise of the Mayor’s PCC functions”.

### Local Government Finance Act 1988

- 7.—(1) The Local Government Finance Act 1988(**124**) is modified as follows.
- (2) In section 114 (functions of responsible officer as regards reports)—
- (a) for section (4)(b)(i)(**125**) substitute—
- “(i) the Mayor exercising PCC functions, each member of the Combined Authority, including the Mayor, and each member of the police and crime panel for the Mayor’s area;”
- (b) in subsection (8A)(b)(**126**), for “relevant authority”, substitute “Mayor”.
- (3) In section 115 (authority’s duties as regards reports)—
- (a) for subsection (1B)(**127**) substitute—
- “(1B) In the case of a report made by the chief finance officer of the Combined Authority in relation to the Mayor’s PCC functions, the Mayor must consider the report and decide whether the Mayor agrees or disagrees with the views contained in the report and what action (if any) the Mayor proposes to take in consequence of it.”;
- (b) in subsection (1E)—
- (i) for “the elected local policing body”, substitute “the Mayor”;
- (ii) for “that body”, in each place it occurs, substitute “the Mayor”;

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(**120**) 1980 c. 65.

(**121**) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the 2009 Act.

(**122**) Section 99(4)(dc) was inserted by paragraph 141 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**123**) 1988 c. 20.

(**124**) 1988 c. 41. Section 19(a)(i) was substituted by paragraph 177 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19 not relevant to this instrument.

(**125**) Section 114(4)(b) was substituted by paragraph 188(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**126**) Subsection (8A)(b) was inserted by paragraph 188(6) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**127**) Section 115(1B) to (1F) were inserted by paragraph 189(2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

- (c) in subsection (1F)(b), for “elected local policing body’s” substitute “Combined Authority’s”;
  - (d) in subsection (2)(**128**), for “an elected local policing body” substitute “a Combined Authority in relation to a Mayor exercising PCC functions”.
- (4) For section 116(2B)(**129**) (information about consideration of reports etc.), substitute—
- “(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

### Road Traffic Act 1988

- 8.—(1) The Road Traffic Act 1988(**130**) is modified as follows.
- (2) In section 144(2)(b) (exceptions from requirement of third-party insurance)—
- (a) for “a local policing body” substitute “the Combined Authority for use in relation to the Mayor’s PCC functions”;
  - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions”.

### Local Government and Housing Act 1989

- 9.—(1) The 1989 Act is modified as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff)—
- (a) in subsection (9)(**131**), for “an elected policing body” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (10)(**132**), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions does not include the deputy mayor for policing and crime”.
- (3) In section 4 (designations and reports of head of paid service)—
- (a) omit subsections (1) and (1A)(**133**);
  - (b) for subsection (4)(**134**), substitute—
 

“(4) It shall be the duty of the head of the Combined Authority’s paid service, as soon as practicable after he has prepared a report relating to the Mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority, including the Mayor, and to the police and crime panel.”;
  - (c) in subsection (5)(**135**), omit “(other than an elected policing body)”;

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(**128**) Section 115(2) was amended by paragraph 189(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by S.I. 2018/226.

(**129**) Section 116(2B) was inserted by paragraph 190(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011

(**130**) 1988 c. 52. Section 144(2)(b) was amended by Part VII of Schedule 34 to the Greater London Authority Act 1999 (c. 29), paragraph 197(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and paragraph 8 of Schedule 12 to the Policing and Crime Act 2017 (c. 3).

(**131**) Section 1(9) was inserted by paragraph 200 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and amended by section 123(2) of, and paragraph 61 of Schedule 2 and paragraph 86 of Schedule 2 to, the Policing and Crime Act 2017.

(**132**) Section 1(10) was inserted by section 123(3) of the Policing and Crime Act 2017.

(**133**) Section 4(1A) was inserted by paragraph 201(2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**134**) Section 4(4) was amended by paragraph 201(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and by paragraph 62(2) of Schedule 1 and paragraph 87(2) of Schedule 2 to, the Policing and Crime Act 2017.

(**135**) Section 4(5) was amended by paragraph 201(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

- (d) in subsection (5A)(136), for “by the head of the body’s paid service” substitute “that relates to the Mayor’s PCC functions”.
- (4) In section 5 (designation and reports of monitoring officer)—
  - (a) omit subsection (1C)(137);
  - (b) for subsection (3)(b)(a)(138), substitute—
    - “(a) in the case of a report relating to the Mayor’s PCC functions, to the members of the Combined Authority, including the Mayor, and to the police and crime panel; and”;
  - (c) in subsection (5)—
    - (i) for “a relevant authority” substitute “the Mayor”;
    - (ii) in paragraph (a)(139)—
      - (aa) in sub-paragraph (i), omit “in the case of an elected policing body”;
      - (bb) omit sub-paragraph (ii);
  - (d) in subsection (8)(140), in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa) (all staff to be appointed on merit)(141).
- (6) Omit section 13(5ZA) (voting rights of members of certain committees: England and Wales)(142).

## Police Act 1996

- 10.—(1) The Police Act 1996(143) is modified as follows.
- (2) In section 22A(9)(a) (collaboration agreements)(144), for “that body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (3) In section 41 (directions as to minimum budget)(145)—
  - (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
  - (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “determination by the Mayor of the final amount of the PCC component”.
- (4) In section 53E (guidance about civilian staff employed by local policing bodies and chief officers)(146)—

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(136) Section 4(5A) was inserted by paragraph 201(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(137) Section 5(1C) was inserted by paragraph 202(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(138) Section 5(3)(b) was amended by paragraph 202(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(139) Section 5(5)(a) was amended by paragraph 202(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(140) The definition of “relevant authority” was amended by paragraph 63(4)(b) of Schedule 1 to the Policing and Crime Act 2017. There are other amendments not relevant to this instrument.

(141) Section 7(1)(aa) was inserted by paragraph 203(b) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(142) Section 13(5ZA) was inserted by section 7(8) of the Policing and Crime Act 2017.

(143) 1996 c. 16.

(144) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011. There are amendments to section 22A not relevant to this instrument.

(145) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48), section 22 of the Police Reform and Social Responsibility Act 2011, and by paragraph 33 of Schedule 7 to the 2011 Act.

(146) Section 53E was inserted by section 125 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

- (a) in subsection (1)(a), for “a local policing body” substitute “the Combined Authority and are deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (1)(b), for “the body” substitute “the Combined Authority”.
- (5) In section 88 (liability for wrongful acts of constables)(**147**)—
- (a) in subsection (5A), for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (6)(a), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (6) In section 92(1) (grants by local authorities)(**148**), for “parish or community” substitute “parish, community or Combined Authority”.
- (7) In section 96(1B) (arrangements for obtaining the views of the community on policing)(**149**), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the Mayor”.

### Police Reform Act 2002

**11.**—(1) The Police Reform Act 2002(**150**) is modified as follows.

(2) In section 40(7)(d) (community safety accreditation schemes)(**151**), for “local policing body” substitute “Combined Authority and who are deployed wholly or partly in relation to the Mayor’s PCC functions”.

(3) In section 42(7) (supplementary provisions relating to designations and accreditations)(**152**)—

- (a) for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “Combined Authority”;
- (c) for “or body” substitute “or Combined Authority”.

### Proceeds of Crime Act 2002

**12.**—(1) The Proceeds of Crime Act 2002(**153**) is modified as follows.

(2) For section 55(8)(aa) (sums received by designated officer) substitute—

- “(aa) a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.”.

### Local Government Act 2003

**13.**—(1) The 2003 Act is modified as follows.

(2) In section 7 (credit arrangements)—

- (a) in subsection (1)(a), for “its part” substitute “the part of the Combined Authority”;

(**147**) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50), sections 102(1) and (4) and 103(1) of the Police Reform Act 2002, paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22) and by S.I. 2012/1809 and 2019/742.

(**148**) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011.

(**149**) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.

(**150**) 2002 c. 30.

(**151**) Section 40(7)(d) was amended by paragraph 295(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**152**) Section 42(7) was amended by paragraph 296 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**153**) 2002 c. 29. Section 55(8)(aa) was inserted by paragraph 305 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.



- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the Combined Authority”.

### **Railways and Transport Safety Act 2003**

- 14.—(1) The Railways and Transport Safety Act 2003(154) is modified as follows.
- (2) For paragraph 7(2)(c) of Schedule 4 (British Transport Police Authority), substitute—
  - “(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions,”.

### **Local Government and Public Involvement in Health Act 2007**

- 15.—(1) The Local Government and Public Involvement in Health Act 2007(155) is modified as follows.
- (2) For section 15(1)(a) (incidental etc provision in orders or regulations), substitute—
  - “(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

### **Local Democracy, Economic Development and Construction Act 2009**

- 16.—(1) The 2009 Act is modified as follows.
- (2) In paragraph 9(1)(a) of Schedule 5B (mayors for combined authority areas: further provision about elections)(156), for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

### **Police Reform and Social Responsibility Act 2011**

- 17. The PRSR Act is modified as follows.
- 18. In section 5 (police and crime commissioners to issue police and crime plans)(157)—
  - (a) in subsection (1), for “ordinary election” substitute “election for the return of a Mayor”;
  - (b) in subsection (13)—
    - (i) in the definition of “financial year”, for “the police and crime commissioner” substitute “the Combined Authority”;
    - (ii) omit the definition of “ordinary election”.
- 19. In section 7(7) (police and crime plans)(158)—
  - (a) in the definition of “financial year”, for “the elected local policing body” substitute “the Combined Authority”;
  - (b) omit the definition of “ordinary election”;

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(154)2003 c. 20. Paragraph 7(2)(c)of schedule 4 was inserted by paragraph 328 of schedule 16 to the Police Reform and Responsibility Act 2011.

(155)2007 c. 28. Section 15(1)(a) was amended by paragraph 14(2)(a) of Schedule 10 to the Police Reform and Social Responsibility Act 2011.

(156)Schedule 5B was inserted by Schedule 1 to the 2016 Act.

(157)There are amendments to section 5 not relevant to this instrument.

(158)Section 7 was amended by paragraph 97 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

- (c) in the definitions of “planning period” and “qualifying day”, for “ordinary election” substitute “election for the return of a Mayor”.
- 20.** In section 16 (appointment of persons not employed by elected local policing bodies)—
- (a) for subsection (1), substitute—
- “(1) This section applies where the Mayor, in connection with the exercise of the Mayor’s PCC functions, is required or authorised by any Act—
- (a) to appoint a person to a specified post in the Combined Authority; or
- (b) to designate a person as having specified duties or responsibilities.”;
- (b) in subsection (2), for “the body” substitute “the Combined Authority”.
- 21.** In section 18 (delegation of functions by police and crime commissioners)**(159)**—
- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (b) in subsection (6)—
- (i) after paragraph (d), insert—
- “(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009**(160)**.”;
- (ii) after paragraph (h), insert—
- “(i) the Combined Authority.”;
- (c) in subsection (7)—
- (i) for paragraph (f), substitute—
- “(f) calculating the PCC component council tax requirement.”.
- (ii) omit paragraphs (g) and (h);
- (d) for subsection (10), substitute—
- “(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.
- 22.** In section 21 (police fund), after subsection (3) insert—
- “(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred or otherwise relates to, the exercise of the Mayor’s PCC functions.”.
- 23.** In section 28 (police and crime panels outside London)**(161)**—
- (a) omit subsections (1A) and (1B);
- (b) in subsection (6)(a), after “police and crime commissioner” insert “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18”.
- 24.** In section 29 (power to require attendance and information)—
- (a) for subsection (1), substitute—
- “(1) A police and crime panel may require—
- (a) the Mayor;
- (b) the deputy mayor for policing and crime,

**(159)** Section 18 was amended by paragraph 53 of Schedule 7 to the 2011 Act, paragraph 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and section 23(2) of the Policing and Crime Act 2017 (c. 3).

**(160)** 2009 c. 20. Section 107C was inserted by section 3 of the 2016 Act.

**(161)** Section 28 was amended by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017.

- (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, and
    - (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,

to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;
  - (b) for subsection (2), substitute—
    - “(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—
    - (a) the Mayor in relation to the Mayor’s PCC functions,
    - (b) the deputy mayor for policing and crime, or
    - (c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;
  - (c) for subsection (5), substitute—
    - “(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;
  - (d) in subsection (6), after “commissioner” insert “or the deputy mayor for policing and crime”.
- 25.** In section 30 (suspension of police and crime commissioner)—
- (a) in subsection (1), for “relevant police and crime commissioner” substitute “Mayor so far as acting in the exercise of PCC functions”;
  - (b) in subsection (3), for “the police and crime commissioner” substitute “the Mayor”.
- 26.** In section 31(3) (conduct), for paragraphs (b) to (d) substitute—
- “(b) deputy mayor for policing and crime.”.
- 27.** In section 62 (appointment of acting commissioner)—
- (a) for subsection (1), substitute—
    - “(1) The police and crime panel must appoint a person to exercise the Mayor’s PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;
  - (b) in subsection (2), for “member of the police and crime commissioner’s staff”, substitute “member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or the deputy mayor for policing and crime”;
  - (c) after subsection (2), insert—
    - “(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
  - (d) omit subsection (3);
  - (e) for subsection (5), substitute—
    - “(5) Any property or rights vested in the Combined Authority in relation to the Mayor’s PCC functions can be dealt with by the acting commissioner.”;
  - (f) omit subsection (6)(c);
  - (g) in subsection (7)—
    - (i) omit “incapacitated or”;
    - (ii) omit “(c) or”;

(h) omit subsection (8).

**28.** For section 63 (vacancy where acting commissioner acts for 6 months), substitute—

“**63.**—(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
- (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.

(2) At the end of that 6 month period—

- (a) the Mayor ceases to be the Mayor, and
- (b) accordingly, the office of Mayor becomes vacant.”

**29.** For section 64(3) to (4A) (disqualification from election as police and crime commissioner) **(162)**, substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the York and North Yorkshire Combined Authority Order 2023 if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**(163)** if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”

**30.** In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds)**(164)**—

(a) in subsection (1)(e), insert after paragraph (ii)—

“(iii) the Combined Authority;”;

(b) for subsection (1A), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—

- (a) from being elected as Mayor at an election held under the York and North Yorkshire Combined Authority Order 2023;
- (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”

**31.** In section 70 (declaration of acceptance of office of police and crime commissioner)**(165)**—

(a) for subsection (1), substitute—

**(162)** Subsections (3A) and (4A) were inserted by [S.I. 2017/470](#).

**(163)** [S.I. 2017/69](#).

**(164)** Section 65 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), section 122(1) of and paragraph 73(2) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3) and by [S.I. 2021/1265](#).

**(165)** Section 70 was amended by [S.I. 2021/1265](#).

- “(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;
- (b) omit subsection (2);
- (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;
- (d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989;

“specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as York and North Yorkshire Mayor.

In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of York and North Yorkshire.

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”;

- (e) omit subsection (7).

**32.** In Schedule 1 (police and crime commissioners)—

- (a) for paragraph 1, substitute—

“1. This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;

- (b) for paragraph 4, substitute—

“4.—(1) The Mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

(a) pensions to, or in respect of, persons who have been the police and crime commissioner for North Yorkshire, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for North Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

- (c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;

- (d) in paragraph 8(**166**)—

(i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

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(166) Paragraph 8 of Schedule 1 was amended by section 121 of the Policing and Crime Act 2017.

(ii) for sub-paragraphs (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;

(e) for paragraph 9(1), substitute—

“(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of a Mayor”;

(g) for paragraph 13, substitute—

“13.—(1) The Mayor may pay—

(a) remuneration, allowances and gratuities to members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and

(b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.

(2) The Mayor may pay—

(a) pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.

(3) In this paragraph “allowances”—

(a) in relation to a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and

(b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;

(h) for paragraph 15(2), substitute—

“(2) A person who is—

(a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, or

(b) a member of the Combined Authority exercising the Mayor’s PCC functions,

has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor’s PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;

(i) for paragraph 16, substitute—

“16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.

**33.** In Schedule 5 (issuing precepts)—

(a) in paragraph 1—

(i) for sub-paragraph (1), substitute—

“(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;

(ii) for sub-paragraph (3), substitute—

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;

(b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;

(c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;

(d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;

(e) in paragraph 5(3)—

(i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;

(ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;

(f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;

(g) in paragraph 8—

(i) in sub-paragraph (1), for “the issuing of precepts” substitute “determining the amount of the PCC component”;

(ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

**34.** In Schedule 6 (police and crime panels)(167)—

(a) for paragraph 21, substitute—

“21. The Mayor, a member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the Area.”;

(b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “Combined Authority”;

(c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;

(d) in paragraph 34, after sub-paragraph (1) insert—

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(167) There are amendments to Schedule 6 not relevant to this instrument.

“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

**35.** In Schedule 7 (regulations about complaints and conduct matters)(**168**)—

(a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority)”;

(b) for paragraph 4, substitute—

“4.—(1) This paragraph applies in relation to qualifying complaints which—

(a) relate to a holder of the office of—

(i) Mayor; or

(ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority, and

(b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

**36.** In Schedule 8 (appointment, suspension and removal of senior police officers)(**169**)—

(a) for paragraph 4(10), substitute—

“(10) For that purpose, “relevant post-election period” means the period that—

(a) begins with the day of the poll at an election for the return of the Mayor; and

(b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;

(b) for paragraph 15(8), substitute—

“(8) For that purpose, “relevant post-election period” means the period that—

(a) begins with the day of the poll at an election for the return of the Mayor; and

(b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

### Local Audit and Accountability Act 2014

**37.**—(1) The Local Audit and Accountability Act 2014(**170**) is modified as follows—

(2) In Schedule 4 (further provisions about auditor panels)—

(a) for paragraph 2(4)(a), substitute—

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (“the relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;

(b) for paragraph 2(5), substitute—

(168) Schedule 7 was amended by paragraph 73 of Schedule 9 to the Policing and Crime Act 2017. There are other amendments to Schedule 7 not relevant to this instrument.

(169) There are amendments to Schedule 8 not relevant to this instrument.

(170) 2014 c. 2.



“(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

## PART 2

### Secondary legislation

#### **Motor Vehicles (Third Party Risks) Regulations 1972**

**38.**—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(**171**) are modified as follows.

(2) For regulation 7(3) (production of evidence as alternatives to certificates), substitute—

“(3) In the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor’s PCC functions, a certificate in form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor’s PCC functions.”.

#### **Official Secrets Act 1989 (Prescription) Order 1990**

**39.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990(**172**) is modified as follows.

(2) In Schedule 2 (prescriptions), for “a Deputy police and crime commissioner”, substitute “a deputy mayor for policing and crime”.

#### **Police (Disposal of Sound Equipment) Regulations 1995**

**40.**—(1) The Police (Disposal of Sound Equipment) Regulations 1995(**173**) are modified as follows.

(2) In regulation 4(4) (application of proceeds of sale), for “local policing body” substitute “Combined Authority”.

#### **Police (Property) Regulations 1997**

**41.**—(1) The Police (Property) Regulations 1997(**174**) are modified as follows.

(2) In regulation 6(6), for “relevant authority” substitute “Combined Authority”.

(3) In regulation 7(1), for “vest in them” substitute “vest in the Combined Authority”.

#### **Health and Safety (Enforcing Authority) Regulations 1998**

**42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(**175**) are modified as follows.

(2) In regulation 4(3)(d) (exceptions), for “a local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

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(171) S.I. 1972/1217. Regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments not relevant to this instrument.

(172) S.I. 1990/200, amended by S.I. 2012/2900. There are other amending instruments not relevant to this instrument.

(173) S.I. 1995/722. Regulation 4 was amended by S.I. 2000/1549 and 2011/3058.

(174) S.I. 1997/1908. Regulation 6 was amended by S.I. 2002/2313 and 2013/2318. Regulation 7 was amended by paragraph 320 of the Sentencing Act 2020 (c. 17).

(175) S.I. 1998/494. Regulation 4(3)(d) was amended by S.I. 2011/3058. There are other amendments to regulation 4 not relevant to this instrument.

### **Motor Vehicles (Driving Licences) Regulations 1999**

**43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**176**) are modified as follows.

(2) In regulation 23(1)(c)(ii) (persons by whom theory tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(3) In regulation 24(1)(d)(ii) (persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(4) In regulation 58(2)(c)(ii) (provision of approved training courses), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

**44.**—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**177**) is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1 (Employment to which this Order applies: Employers immediately before the relevant event), substitute—

“**2.** The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor’s PCC functions.”.

### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

**45.**—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(**178**) are modified as follows.

(2) In regulation 3(2) (further disclosure), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

**46.**—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(**179**) are modified as follows.

(2) In regulation 2(1)(b) for “a local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police Regulations 2003**

**47.**—(1) The Police Regulations 2003(**180**) are modified as follows.

(2) In regulation 7(7)(a) (business interests of members of police forces: general), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

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(176) [S.I. 1999/2864](#), amended by [S.I. 2011/3058](#). There are other amending instruments not relevant to this instrument.

(177) [S.I. 1999/2277](#). Paragraph 2 of Section 6 of Schedule 1 was substituted by [S.I. 2012/2733](#).

(178) [S.I. 2001/3343](#). Regulation 3(2) was amended by [S.I. 2011/3058](#).

(179) [S.I. 2001/2645](#). Regulation 2 was amended by [S.I. 2012/61](#).

(180) [S.I. 2003/527](#). Regulation 7 was substituted by [S.I. 2012/1960](#). Regulation 24(1) was amended by [S.I. 2011/3026](#).

(3) In regulation 24(1)(b) (pay), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Docking of Working Dogs’ Tails (England) Regulations 2007**

**48.**—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(**181**) are modified as follows.

(2) In regulation 2 (interpretation), for the definition of “police identification” substitute—

““police identification” means evidence that the person presenting the identification is—

- (a) a police officer;
- (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor’s PCC functions;
- (c) contracted to work for the Mayor in relation to the Mayor’s PCC functions; or
- (d) contracted to work for, or otherwise employed by, the chief officer of police.”.

### **REACH Enforcement Regulations 2008**

**49.**—(1) The REACH Enforcement Regulations 2008(**182**) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions.”.

### **Elected Local Policing Bodies (Specified Information) Order 2011**

**50.**—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(**183**) is modified as follows.

(2) In article 1(2) (interpretation)—

(a) for the definition of “election” substitute—

““election” means an election for the return of a Mayor;”;

(b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions and whose salary exceeds £50,000;”;

(d) for the definition of “staff”, substitute—

““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions but does not include the deputy mayor for policing and crime.”.

(3) In the Schedule—

(a) in paragraph 2—

(i) omit the first reference to “of the elected local policing body”;

(ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;

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(181) S.I. 2007/1120. The definition of “police identification” was amended by S.I. 2012/61.

(182) S.I. 2008/2852. Paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058.

(183) S.I. 2011/3050.

- (b) in paragraph 3(**184**)—
  - (i) for sub-paragraph (b), substitute—
    - “(b) the PCC component;”;
  - (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;
- (c) in paragraph 4(**185**)—
  - (i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor’s PCC functions”;
  - (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor’s PCC functions, or occupied for the purposes of”;
  - (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
  - (iv) for sub-paragraph (d), substitute—
    - “(d) a list of every contract with a value not exceeding £5,000—
      - (i) which the Mayor has entered into, or is to enter into, on behalf of the combined authority in relation to the Mayor’s PCC functions; or
      - (ii) to which the chief officer of the police force maintained by the mayor is, or is to be, a party,
 including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”.

### **Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**51.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(**186**) are modified as follows.

- (2) In regulation 2 (interpretation)—
  - (a) after the definition of “document”, insert—
    - ““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989(**187**);”;
  - (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (c) in the definition of “relevant office”, for paragraph (b) substitute—
    - “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7 (delegation of powers and duties by police and crime panels)—
  - (a) for paragraph (1)(a), substitute—
    - “(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
  - (b) in paragraph (2), omit “a chief executive or”;
  - (c) for paragraph (3), substitute—
    - “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and

(184) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and 2013/1816.

(185) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.

(186) S.I. 2012/62 to which there are amendments not relevant to this instrument.

(187) 1989 c. 42.

recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.

(4) In regulation 15(3)(a) (disapplication of requirements of regulations), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the mayor’s PCC functions”.

(5) In regulation 28(1) (informal resolution)—

(a) omit sub-paragraph (a);

(b) for sub-paragraph (b), substitute—

“(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded;”.

(6) For regulation 29 (resolution in accordance with Part 3 of the Local Government Act 2000), substitute—

**“Resolution in accordance with the combined authority’s code of conduct.**

**29.**—(1) If a complaint to which this Part applies concerns the conduct of—

(a) the Mayor, or

(b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

**Police Appeals Tribunals Rules 2012**

**52.**—(1) The Police Appeals Tribunal Rules 2012(**188**) are modified as follows.

(2) In rule 15(4) (legal and other representation) for “relevant local policing body” substitute “Combined Authority”.

**Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**53.**—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012(**189**) are modified as follows.

(2) In regulation 3(2) (entities under the control of a relevant council)—

(a) in sub-paragraph (c), omit “or”;

(b) in sub-paragraph (d), after (c) insert “, or”;

(c) after sub-paragraph (d), insert—

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(188) S.I. 2012/2630, subject to modification and saving by S.I. 2020/1.

(189) S.I. 2012/2087.

“(e) the Combined Authority.”.

### **Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012**

**54.**—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(**190**) are modified as follows.

(2) In regulation 4(2) (report on proposed precept), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2) (veto: police and crime commissioner’s response), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2) (panel’s review of revised precept)—

(a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;

(b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

(5) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”.

(6) In regulation 8 (issuing precept)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;

(ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;

(ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”.

### **Local Government Pension Scheme Regulations 2013**

**55.**—(1) The Local Government Pension Scheme Regulations 2013 are modified as follows.

(2) After regulation 64(8) (special circumstances where revised actuarial valuations and certificates must be obtained), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the York and North Yorkshire Combined Authority Order 2023.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

### **Local Audit (Auditor Resignation and Removal) Regulations 2014**

**56.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(**191**) are modified as follows.

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(190) S.I. 2012/2271.

(191) S.I. 2014/1710.

- (2) In regulation 2 (application of these Regulations to policing bodies)—
- (a) in paragraph (3), for “police and crime commissioner” substitute “Combined Authority”;
  - (b) in paragraph (4), for “a police and crime commissioner” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

### **Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

**57.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 is modified as follows.

- (2) In article 4(d) (date on which vacancy occurs)—
- (a) in paragraph (ii), omit “or”;
  - (b) in paragraph (iii), at the end insert “or”;
  - (c) after paragraph (iii), insert—
    - “(iv) the mayor ceasing to hold office by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011;”.

### **Police Appeals Tribunals Rules 2020**

**58.**—(1) The Police Appeals Tribunal Rules 2020(**192**) are modified as follows.

(2) In rule 19(4)(c) and (d) (legal and other representation), for “relevant local policing body” substitute “Combined Authority”.

### **Policing Protocol Order 2023**

**59.**—(1) The Policing Protocol Order 2023(**193**) is modified as follows.

- (2) In the Schedule—
- (a) in paragraph 5, for “of each PCC”, substitute “deployed by the Combined Authority wholly or partly in relation to the mayor’s PCC functions”;
  - (b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

**13A.** The staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;
  - (c) in paragraph 16, for “precept” substitute “PCC component”;
  - (d) in paragraph 17(d), for “precept” substitute “PCC component”;
  - (e) in paragraph 24—
    - (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
    - (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
    - (iii) omit sub-paragraph (i);

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(192)S.I. 2020/1.

(193)S.I. 2023/649.



(f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

## SCHEDULE 6

Article 33(3)

### Exclusion of legislation from application to the Combined Authority Mayor with policing and crime functions

## PART 1

### Primary legislation

1. Section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(**194**).
2. The following provisions of the Local Government Act 1972(**195**)—
  - (a) section 102(6) to (11) (appointment of committees);
  - (b) section 223(2) (appearance of local authorities in legal proceedings);
  - (c) paragraph 6ZA of Part 1 of Schedule 12 (meetings and proceedings of local authorities).
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority etc.)(**196**).
4. Section 14(1)(caa) of the Rent Act 1977 (landlord’s interest belonging to local authority, etc.)(**197**).
5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980 (land held by public bodies)(**198**).
6. Sections 33 (enforceability by local authorities of certain covenants relating to land) and 41 (lost and uncollected property) of the Local Government (Miscellaneous Provisions) Act 1982(**199**).

(194) 1967 c. 88. Section 28(5)(a) was amended by paragraph 85 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13). There are other amendments to section 28 not relevant to this instrument.

(195) 1972 c. 70. Section 102(6) to (11) and paragraph 6ZA were inserted by section 7 of the Policing and Crime Act 2017 (c. 3). Section 223 was amended by paragraph 21 of Schedule 14 to the Local Government Act 1985 (c. 51), part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), paragraph 12 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 17(a) of Schedule 22 and Schedule 24 to the Environment Act 1995 (c. 25), paragraph 28 of Schedule 21 to the Legal Services Act 2007 (c. 29), paragraph 24 of Schedule 6 to the 2009 Act, paragraph 109 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, paragraph 6(7)(k) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 27 of Schedule 1 to the Policing and Crime Act 2017, and by S.I. 2001/3719 and 2022/372.

(196) 1976 c. 80. Section 5(3)(baa) was inserted by paragraph 52 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 134 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(197) 1977 c. 42. Section 14(1)(caa) was inserted by paragraph 53 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 135 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(198) 1980 c. 65. Section 96A was inserted, and section 97 substituted, by paragraphs 2 and 3 of Schedule 5 to the Local Government Act 1988 (c. 9). Section 98 was amended by paragraphs 4 (2) and (3) of the Local Government Act 1988; the section 176(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), and by S.I. 2009/1941.

(199) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 56(2)(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 156 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, paragraphs 6(1) and 16(a) of Schedule 13 to



7. Section 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983 (alteration of registers)(**200**).
8. Section 60 of the County Courts Act 1984 (right of audience)(**201**).
9. The following provisions of the Housing Act 1985(**202**)—
  - (a) section 80(1) (the landlord condition);
  - (b) section 157(1) (restriction on disposal of dwelling-houses in National Parks);
  - (c) section 171(2) (power to extend right to buy);
  - (d) section 573(1) (meaning of public sector authority);
  - (e) paragraph 2(1) of Schedule 1 (tenancies which are not secure tenancies);
  - (f) grounds 7 and 12 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies);
  - (g) ground 5 in Schedule 3 (grounds for withholding consent to assignment by way of exchange);
  - (h) paragraph 7(1) of Schedule 4 (qualifying period for right to buy and discount);
  - (i) paragraph 5(1)(b) of Schedule 5 (exceptions to the right to buy).
10. Section 38 of the Landlord and Tenant Act 1985 (minor definitions)(**203**).
11. Section 7 of the Local Government Act 1986 (transfer requires mortgagor’s consent)(**204**).
12. Section 58 of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords)(**205**).
13. Sections 111, 113, 114 and 114A of the Local Government Finance Act 1988 (financial administration)(**206**).
14. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies)(**207**).
15. Section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities)(**208**).
16. Section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases)(**209**).

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the Deregulation Act 2015, and paragraph 66 of Schedule 2 to the Policing and Crime Act 2017. There are other amendments to section 33 not relevant to this instrument.

- (**200**) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6) and amended by paragraph 4 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. Section 13B was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 11 of the Electoral Administration Act 2006 (c. 22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011, paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, and paragraph 5 of Schedule 2 to the Recall of MPs Act 2015, and by S.I. 2018/1310.
- (**201**) 1984 (c. 28). Section 60 was amended by paragraph 58 of Schedule 6 to the 2009 and paragraph 159 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.
- (**202**) 1985 c. 68. There are amendments not relevant to this instrument.
- (**203**) 1985 c. 70. The definition of “local authority” in section 38 was amended by paragraph 70 of Schedule 6 to the 2009 Act and paragraph 75 of Schedule 2 to the Policing and Crime Act 2017. There are other amendments not relevant to this instrument.
- (**204**) 1986 c. 10.
- (**205**) 1987 c. 31. Section 58(1)(a) was amended by paragraph 72 of Schedule 6 to the 2009 and paragraph 176 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.
- (**206**) 1988 c. 41. Section 111 was amended by paragraph 186 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. Section 114(4)(b) was substituted by paragraph 118 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. Section 114A was inserted by S.I. 2001/2237. There are other amendments not relevant to this instrument.
- (**207**) 1988 c. 50. Paragraph 12(2)(g) was substituted by paragraph 178 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.
- (**208**) 1992 c. 14. Section 39 was amended by section 26(2) of the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.
- (**209**) 1994 c. 23. Section 33 was amended by paragraph 217 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

17. Section 94 of the Police Act 1996 (financing of new police and crime commissioners)(**210**).
18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**211**).
19. Sections 21 and 22 of the Local Government Act 2003 (accounts)(**212**).
20. The following provisions of the Fire and Rescue Services Act 2004(**213**)—
- (a) section 3(7) and (9) (creation of combined fire and rescue authorities: supplementary);
  - (b) section 4A (power to provide for police and crime commissioner to be fire and rescue authority);
  - (c) Schedule A1 (procedure for orders under section 4A);
  - (d) Schedule A2 (application of legislation relating to police and crime commissioners).
21. The following provisions of the PRSR Act (**214**)—
- (a) section 1, subsections (1) to (4) (police and crime commissioners)(**215**);
  - (b) sections 50 to 61 (elections and vacancies);
  - (c) section 69 (validity of acts);
  - (d) sections 71 to 75 (elections: further provision);
  - (e) section 102(3) (interpretation: police and crime commissioner’s staff);
  - (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2), and (4), and 7 (police and crime commissioners);
  - (g) Schedule 6, paragraphs 33 to 35 (duty to nominate elected mayor to be a member of police and crime panel);
  - (h) Schedule 10 (elections: consequential amendments).
22. Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014 (relevant authorities)(**216**).
23. The following provisions of the Policing and Crime Act 2017(**217**)—
- (a) section 5(7)(a) and (9)(a)(collaboration agreements: definitions);
  - (b) paragraph 92 of Schedule 1 (amendments to Schedule 6 of the Police Reform and Social Responsibility Act 2011).

## PART 2

### Secondary legislation

24. The Police and Crime Commissioner Elections Order 2012(**218**).
25. The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(**219**).

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(210) 1996 c. 16. Section 94 was amended by section 25(7) to (11) of the Police Reform and Social Responsibility Act 2011.

(211) 2000 c. 36. Paragraph 57 of Schedule 1 was substituted by paragraph 249 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(212) 2003 c. 26.

(213) 2004 c. 21. Section 3(7) and (9) were inserted by section 7(12) of the Policing and Crime Act 2017. Section 4A was inserted by paragraph 5 of Schedule 1 to that Act. Schedules A1 and A2 were inserted by paragraph 13 of Schedule 1 to that Act.

(214) 2011 c. 13.

(215) Section 1 was amended by section 183 of the Policing and Crime Act 2017.

(216) 2014 c. 2.

(217) 2017 c. 3.

(218) S.I. 2012/1917, amended by S.I. 2014/921, 2016/300, 2017/67, 2018/1310, 2021/1265, 2022/1275, 2022/1354 and 2022/1382.

(219) S.I. 2012/1918, amended by S.I. 2016/300 and 2022/263.

**26.** The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(**220**).

**27.** The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(**221**).

**28.** The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013 (scheme employers)(**222**)—

(a) paragraph 6 of Part 1;

(b) Part 4.

**29.** The Police and Crime Commissioner Elections Order 2015(**223**).

**30.** Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(**224**).

**31.** The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**225**).

**32.** The Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2020(**226**).

**33.** The Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) (Amendment) Order 2020(**227**).

**34.** The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2021(**228**).

## SCHEDULE 7

Article 46(2)

Modification of enactments in their application to  
the Combined Authority as fire and rescue authority

## PART 1

### Primary legislation

#### Local Government Act 1972

**1.** In section 138(5) of the Local Government Act 1972 (powers of principal councils with respect to emergencies or disasters)(**229**), the reference to “metropolitan county fire and rescue authority” is to apply as if it included the Combined Authority as a fire and rescue authority.

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(**220**) S.I. 2012/2088, amended by S.I. 2015/1526, 2016/488, 2021/179, and 2021/1265.

(**221**) S.I. 2012/2553.

(**222**) S.I. 2013/2356.

(**223**) S.I. 2015/665.

(**224**) S.I. 2015/1376.

(**225**) S.I. 2015/1526.

(**226**) S.I. 2020/134, amended by S.I. 2021/258 and 2022/1079.

(**227**) S.I. 2020/136, amended by S.I. 2021/259 and 2022/1079.

(**228**) S.I. 2021/390, amended by S.I. 2022/1079.

(**229**) 1972 c. 70. Section 138 was amended by Part 1 of Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65), section 156 of the Local Government and Housing Act 1989 (c. 42), paragraph 22(2) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), paragraphs 7 and 10 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36) and paragraph 40 of Schedule 2 to the Policing and Crime Act 2017.

## Local Government Finance Act 1988

2.—(1) The Local Government Finance Act 1988(230) is modified as follows.

(2) Section 114 (functions of responsible officer as regards reports)(231) applies, in any case where the report prepared under subsection (2) or (3) of that section relates to the fire and rescue functions of the Combined Authority, as if subsection (4) included a requirement to provide a copy of the report to each member of the Police, Fire and Crime Panel.

(3) Section 115 (authority’s duties as regards reports)(232) applies, in any case where a report prepared by the Mayor under subsection (1E) of that section relates to the fire and rescue functions of the Combined Authority, as if it included a requirement to provide a copy of the report to each member of the Police, Fire and Crime Panel.

## Local Government and Housing Act 1989

3.—(1) The Local Government and Housing Act 1989(233) is modified as follows.

(2) Section 4 (designation and reports of head of paid service)(234) applies, in any case where the report prepared under subsection (2) of that section relates to the fire and rescue functions of the Combined Authority, as if subsection (4) included a requirement to provide a copy of the report to the Police, Fire and Crime Panel.

(3) Section 5 (designation and reports of monitoring officer)(235) applies, in any case where the report prepared under that section relates to the fire and rescue functions of the Combined Authority, as if subsection (3)(b) included a requirement to provide a copy of the report to the Police, Fire and Crime Panel.

(4) In section 67 (application of provisions about companies in which local authorities have interests) subsection (3)(k)(236) applies as if the reference to a joint authority established by Part IV of that Act” included a reference to “the Combined Authority as a fire and rescue authority”.

(5) In section 155 (emergency financial assistance to local authorities) subsection (4)(g)(237) applies as if the reference to a joint authority established by Part IV of the Local Government Act 1985” included a reference to “the Combined Authority as a fire and rescue authority”.

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(230) 1988 c. 41.

(231) Section 114 was amended by paragraph 66 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42), paragraph 34 of Schedule 4 to the Police and Magistrates’ Court Act 1994 (c. 29), section 130 of the Greater London Authority Act 1999 (c. 29), Part 5 of Schedule 7 to the Criminal Justice and Police Act 2001 (c. 16), paragraph 188 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 1 of Schedule 25 to the Localism Act 2011 (c. 20) and by S.I. 2001/2237, 2018/226 and 2021/1349.

(232) Section 115 was amended by section 131 of the Greater London Authority Act 1999, section 30 of the Local Government Act 2003 (c. 26), paragraph 189 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, paragraph 2 of Schedule 20 and paragraph 1 of Schedule 25 to the Localism Act 2011, and by S.I. 2018/226 and 2021/1349.

(233) 1989 c. 42.

(234) Section 4 was amended by paragraph 161(3) of Schedule 13, and Schedule 14, to the Local Government etc. (Scotland) Act 1994 (c. 39), paragraph 201 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, paragraph 12(2) of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1), paragraph 62(2) of Schedule 1 and paragraph 87(2) of Schedule 2 to the Policing and Crime Act 2017 and by S.I. 1995/789 and 2021/231.

(235) Section 5 was amended by paragraph 35(b) and (c) of Schedule 4 to the Police and Magistrates’ Courts Act 1994, Schedule 14 to the Local Government etc. (Scotland) Act 1994, section 132(2) of the Greater London Authority Act 1999, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), section 113(3) of the Local Government Act 2003, paragraph 24 of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005 (c. 10), paragraph 14 of Schedule 12 and paragraph 1 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraph 13 of Schedule 14 and paragraph 1 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraph 202 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, section 95(2) of the Local Government (Wales) Measure 2011 (nawm 4), paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017, paragraph 11 of Schedule 5 to the Public Services Ombudsman (Wales) Act 2019 (anaw. 3), paragraph 8 of Schedule 5 to the Local Government and Elections (Wales) Act 2021 (asc 1), and by S.I. 2001/2237 and 2002/808.

(236) Subsection (3)(k) was amended by paragraph 19(3)(b) of Schedule 2 to the Civil Contingencies Act 2004.

(237) Subsection (4)(g) was amended by paragraph 457(2) of Schedule 4 to the Local Transport Act 2008 (c. 26), and by Schedule 12 to the Natural Environment and Rural Communities Act 2006 (c. 16).

### Crime and Disorder Act 1998

4.—(1) The Crime and Disorder Act 1998(**238**) is modified as follows.

(2) In the definition of “fire and rescue authority”, in section 5(5) (authorities responsible for strategies)(**239**), the reference in paragraph (b) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

(3) In the definition of “relevant authority” in section 115(2) (disclosure of information)(**240**), the reference in paragraph (j) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

### Local Government Act 2003

5. In section 23(1) of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1)(**241**) the reference in paragraph (k) to “a joint authority established by Part IV of that Act” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

### Fire and Rescue Services Act 2004

6.—(1) The 2004 Act is modified as follows.

(2) Section 4A (power to provide for police and crime commissioner to be fire and rescue authority)(**242**) has effect as if at the end of subsection (3)(b) there were inserted—

“, and

(c) outside the Area.”;

(3) Section 4B(1) (changes to existing fire and rescue authorities) has effect as if the reference to fire and rescue authorities in England outside Greater London did not include the Combined Authority.

(4) Section 28 (inspectors) of the 2004 Act applies as if for subsections (A6) to (A8)(**243**) there were substituted—

“(A6) When carrying out an inspection under subsection (A3) of the Combined Authority as fire and rescue authority, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.

(A7) For the purposes of section (A6), the following are excluded functions—

- (a) the function of preparing the priorities and objectives of the community risk management plan and the fire and rescue declaration;
- (b) the function of allocating budget for fire and rescue functions;
- (c) any function specified in article 26 of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017(**244**).

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(238) 1998 c. 37.

(239) Section 5(5) was inserted by section 97(6) of the Police Reform Act 2002 (c. 30) and amended by paragraph 89(2)(b) of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21), paragraph 2(8)(b) of Schedule 11 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraph 78 of Schedule 1 and paragraph 104 of Schedule 2 to the Policing and Crime Act 2017.

(240) Section 115(2) was amended by paragraph 7(2) of Schedule 9 to the Police and Justice Act 2006 (c. 48). There are other amendments not relevant to this instrument.

(241) 2003 c. 26. Paragraph (k) was amended by paragraph 10(3)(e) of Schedule 2 to the Civil Contingencies Act 2004. There are other amendments to section 23 not relevant to this instrument.

(242) Sections 4A to 4M were inserted by paragraph 5 of Schedule 1 to the Policing and Crime Act 2017.

(243) Paragraphs (A1) to (A9) of section 28 were inserted by section 11(2) of the Policing and Crime Act 2017.

(244) S.I. 2017/863.

(A8) In subsection (A7), “community risk management plan” has the meaning given in article 2 of the York and North Yorkshire Combined Authority Order 2023.”.

### **Local Democracy, Economic Development and Construction Act 2009**

7. Paragraph 1(3) of Schedule 5A (combined authorities: overview and scrutiny committees and audit committees)(**245**) to the 2009 Act applies as if, at the end of each of paragraphs (a) and (b), there were inserted “other than fire and rescue functions of the Combined Authority in respect of which the Police, Fire and Crime Panel has oversight functions”.

### **Police Reform and Social Responsibility Act 2011**

8.—(1) The PRSR Act is modified as follows.

(2) Section 12(2) to (5) (annual reports) applies as if—

- (a) references to an elected local policing body in subsections (2) and (4) were references to the Combined Authority as fire and rescue authority;
- (b) the reference to the elected local policing body in subsection (3) were to the Mayor;
- (c) references to an annual report were to a fire and rescue declaration;
- (d) references to the relevant police and crime panel were to the Police, Fire and Crime Panel.

(3) Section 13 (information for police and crime panels) applies as if—

- (a) references to an elected local policing body in subsections (2) and (4) were references to the Combined Authority as fire and rescue authority;
- (b) references to the relevant police and crime panel were to the Police, Fire and Crime Panel.

(4) Section 17(2), (3) and (4) (duties when carrying out functions) applies as if—

(a) for subsection (2) there were substituted—

“(2) In carrying out functions in a particular financial year, the Combined Authority as fire and rescue authority must have regard to any report or recommendations made by the Police, Fire and Crime Panel for the previous financial year with respect to the fire and rescue declaration (see section 28(4))”;

(b) in subsections (3) and (4), references to an elected local policing body were to the Combined Authority as fire and rescue authority.

(5) Section 28 (police and crime panels outside London) applies as if—

(a) subsection (1) were omitted;

(b) references to—

- (i) a police and crime panel;
  - (ii) a police and crime panel for a police area, or
  - (iii) the police and crime panel for a police area in England,
- were to the Police, Fire and Crime Panel;

(c) after subsection (1B)(**246**), there were inserted—

“(1C) Subsection (1D) applies if the person who is the mayor for a police area also exercises for that area—

- (a) the functions of a police and crime commissioner, and
- (b) fire and rescue functions.

(**245**) Schedule 5A was inserted by section 8 of and Schedule 3 to the Cities and Local Government Devolution Act 2016 (c. 1).

(**246**) Subsections (1A) and (1B) were inserted by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017.

- (1D) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”;
- (d) in subsection (2), the reference to the functions of the police and crime commissioner for that police area were to the fire and rescue functions of the Combined Authority;
- (e) for subsection (3) there were substituted—
- “(3) The Police, Fire and Crime Panel must—
- (a) review any draft priorities and objectives, or the draft variation of the priorities and objectives, given to the panel by the Mayor in accordance with article 47 (PFCP: scrutiny of the community risk management plan) of the York and North Yorkshire Combined Authority Order 2023, and
- (b) make a report or recommendations to the Mayor on the draft priorities and objectives, or the draft variation of the priorities and objectives.
- (3A) For the purposes of subsection (3)—
- (a) “priorities and objectives” means the Combined Authority’s priorities and objectives in connection with the discharge of that authority’s functions as a fire and rescue authority, as required to be set out in that authority’s community risk management plan, and
- (b) “community risk management plan” has the meaning given in article 2 of the York and North Yorkshire Combined Authority Order 2023.”;
- (f) in subsection (4)—
- (i) references to an annual report were to a fire and rescue declaration;
- (ii) references to the police and crime commissioner were to the Mayor;
- (g) subsection (5) were omitted;
- (h) in subsection (6)—
- (i) for paragraph (a) there were substituted—
- “(a) review or scrutinise decisions made, or other action taken, by the Combined Authority, the Mayor or the deputy mayor for policing and crime of the Combined Authority, or any other person in the exercise of fire and rescue functions pursuant to arrangements made under section 107D(3) of the 2009 Act in connection with the discharge of those fire and rescue functions,”;
- (ii) in paragraph (b), references to the relevant police and fire commissioner were to whichever of the Combined Authority, the Mayor and the deputy mayor for policing and crime of the Combined Authority exercises fire and rescue functions;
- (iii) in the words following paragraph (b), “or by Schedule 1, 5 or 8” were omitted;
- (i) in subsection (7), references to the relevant police and crime commissioner were to whichever of the Combined Authority, the Mayor and the deputy mayor for policing and crime exercises fire and rescue functions;
- (j) in subsection (8), reference to the police area were to the Area;
- (k) subsection (10) were omitted.
- (6) Section 29 (power to require attendance and information) applies as if the modifications made by paragraph 24 of Schedule 5 to the York and North Yorkshire Combined Authority Order 2023 did not apply, and as if—
- (a) for subsection (1) there were substituted—



“(1) The Police, Fire and Crime Panel of the Combined Authority may require the following to attend before it (at reasonable notice) to answer any question which appears to the Police, Fire and Crime Panel to be necessary in order for it to carry out its oversight functions—

- (a) the Mayor of the Combined Authority,
- (b) the deputy mayor for policing and crime for the Combined Authority,
- (c) staff of the Combined Authority deployed wholly or partly in relation to the Combined Authority’s fire and rescue functions,
- (d) any member of the Combined Authority who exercises fire and rescue functions by virtue of arrangements made under section 107D(3) of the Local Democracy, Economic Development and Construction Act 2009.”;

(b) for subsection (2) there were substituted—

“(2) Nothing in subsection (1) requires a person mentioned in paragraphs (a) to (d) of that subsection to give any evidence, or produce any document, which discloses advice given by them to any other person mentioned in paragraphs (a), (b) or (d).”;

(c) in subsection (3)—

- (i) references to a police and crime panel were to the Police, Fire and Crime Panel;
- (ii) references to the relevant police and crime commissioner were to the Mayor;

(d) for subsections (4) and (5) there were substituted—

“(4) A person mentioned in paragraph (a), (b), (c) or (d) of subsection (1) must comply with any requirement imposed on them in accordance with subsection (1) or (3).”;

(e) for subsection (6), there were substituted—

“(6) If the Police, Fire and Crime Panel requires the Mayor or the deputy mayor for policing and crime to attend before the Panel, the Panel may (at reasonable notice) request the chief fire officer for the Area to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.”.

(7) In Schedule 1, paragraph 9 (scrutiny of senior appointments) applies as if the modification made by paragraph 32(e) of Schedule 5 to the York and North Yorkshire Combined Authority Order 2023 did not apply and as if—

- (a) references to the police and crime commissioner were to the Mayor;
- (b) references to the relevant police and crime panel were to the Police, Fire and Crime Panel;
- (c) the reference to criteria in sub-paragraph (2)(b) included criteria relevant to the exercise, by the candidate, of fire and rescue functions.

(8) In Schedule 6—

(a) paragraph 4 (membership and status)(**247**) applies as if for sub-paragraph (6) there were substituted—

“(6) The Police, Fire and Crime Panel may not exercise any functions other than those conferred by this Act, by, or by virtue of the Fire and Rescue Services Act 2004, or by, or by virtue of, the York and North Yorkshire Combined Authority Order 2023 .”;

(b) paragraph 27 (special functions)(**248**) applies as if the special functions mentioned in sub-paragraph (2) of that paragraph included the following functions conferred on the

(247) Paragraph 4(6) was amended by paragraph 92(2) of Schedule 1 to the Policing and Crime Act 2017.

(248) Paragraph 27 was amended by paragraph 92(4) of Schedule 1 to the Policing and Crime Act 2017.



Police, Fire and Crime Panel by, or by virtue of, the York and North Yorkshire Combined Authority Order 2023—

- (i) scrutiny of the priorities and objectives of the community risk management plan;
  - (ii) scrutiny of the fire and rescue declaration;
  - (iii) scrutiny of the allocation of budget;
  - (iv) scrutiny of the appointment of a chief fire officer;
- (c) in paragraph 32A(249) (duty to produce panel with fire and rescue expertise), sub-paragraphs (2) to (4) apply in relation to the Police, Fire and Crime Panel.

## PART 2

### Secondary legislation

#### **Pipelines Safety Regulations 1996**

**9.** In the Pipelines Safety Regulations 1996(250), in paragraph (a) of the definition of “local authority” in regulation 2(1) (interpretation) the reference to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

#### **Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009**

**10.** In the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009(251), in article 1(2) the reference in paragraph (c) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

#### **Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012**

**11.** In the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012(252), in regulation 3 (relevant authorities) the reference in paragraph (a) to “a metropolitan county fire and rescue authority established under section 26 of the Local Government Act 1985” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

#### **Local Government Pension Scheme Regulations 2013**

**12.** The Local Government Pension Scheme Regulations 2013(253) have effect as if, after paragraph (8) of regulation 64, there were inserted—

“(8A) Paragraph (8B) applies where the exiting employer is the FRA and the liabilities of the fund in respect of benefits due to the FRA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the York and North Yorkshire Combined Authority Order 2023..”

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(249) Paragraph 32A was inserted by paragraph 92(5) of Schedule 1 to the Policing and Crime Act 2017.

(250) S.I. 1996/825. Regulation 2 was amended by paragraph 10(1) and (2) of Schedule 2 of the Civil Contingencies Act 2004 and by S.I. 2018/269.

(251) S.I. 2009/2393.

(252) S.I. 2012/1647. There are amendments to regulation 3 not relevant to this instrument.

(253) S.I. 2013/2356, amended by S.I. 2014/1012, 2014/1146, 2015/755, 2016/449, 2016/653, 2017/126, 2017/251, 2017/612, 2018/103, 2018/269, 2018/493, 2018/1133, 2019/615, 2020/123, 2020/179, 2020/893, 2021/272, and 2023/187.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

#### **Explosives Regulations 2014**

**13.** In regulation 2(1) of the Explosives Regulations 2014 (interpretation)(**254**), in the definition of “local authority” the reference in paragraph (c) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the Combined Authority as a fire and rescue authority”.

#### **Control of Major Accident Hazards Regulations 2015**

**14.** In regulation 2(1) of the Control of Major Accident Hazards Regulations 2015(**255**), paragraph (b) of the definition of “local authority” is to apply as if for sub-paragraph (ii) there were substituted—

“(ii) the Area, the Combined Authority as a fire and rescue authority;”.

#### **Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017**

**15.** In the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017(**256**), articles 3 to 23 apply as if—

- (a) references to “the Authority”, other than the reference in article 21(3)(c), were to the Mayor in the exercise of the fire and rescue functions of the Combined Authority;
- (b) references to the police and crime panel were to the Police, Fire and Crime Panel;
- (c) in article 6(8) (panel to review and report on proposed appointment of chief fire officer)—
  - (i) in sub-paragraph (a), for “ordinary election of a police and crime commissioner under section 50 of the Police Reform and Social Responsibility Act 2011” there were substituted “election for the return of the Mayor”;
  - (ii) in sub-paragraph (b)—
    - (aa) for “police and crime commissioner” there were substituted “Mayor”;
    - (bb) for “that Act” there were substituted “the Police Reform and Social Responsibility Act 2011”;
- (d) in article 21(3)(c) (response to representations regarding proposal to dismiss chief fire officer) the reference to the head of the Authority’s paid service were a reference to the Combined Authority’s head of paid service.

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(254) S.I. 2014/1638. There are amendments to regulation 2 not relevant to this instrument.

(255) S.I. 2015/483. There are amendments to regulation 2 not relevant to this instrument.

(256) S.I. 2017/863.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes the York and North Yorkshire Combined Authority (“the Combined Authority”), provides for the election of a Mayor and the conferral of functions of local authorities and other public authorities on the Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This Order has been made following the publication of such a scheme on 21st October 2022 by the constituent councils whose areas together make up the area of the new combined authority.

Part 2 of the Order provides for the creation of the Combined Authority, the election of a Mayor, appointment of a political advisor and makes constitutional provision.

Part 3 of the Order confers on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency. It also makes provision about the acquisition and appropriation of land for planning and public purposes. Article 9 and Schedule 2 apply and modify relevant provisions in legislation.

Part 4 of the Order confers on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which make provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 5 of the Order confers on the Combined Authority functions relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined Authority and makes provision for specified highways and traffic powers held by the local authorities to be exercised concurrently by the Combined Authority. It confers powers for the Mayor to pay grants, including to bus service operators.

Part 6 confers a number of additional functions (data sharing and assessment of economic conditions) to be exercisable by the Combined Authority. The conferred functions are to be exercised concurrently with the constituent councils. It also makes incidental provision.

Part 7 of the Order sets out the functions of the Combined Authority which are to be only exercisable by the Mayor and makes provision in relation to Joint Committees.

Part 8 of the Order makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. Article 30 provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the Business Rate Supplements Act 2009 to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Part 9 of the Order makes provision for the Mayor for the area of the Combined Authority to exercise functions of a Police and Crime Commissioner (“PCC”). The role of PCC for North Yorkshire is abolished. Article 33 provides that, in relation to the Mayor’s PCC functions, the Mayor is to be

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The York and North Yorkshire Combined Authority Order 2023 No. 1432

treated as a PCC for the purposes of all legislation affecting PCCs. Schedule 5 sets out certain modifications to legislation in its application to the Mayor and Schedule 6 sets out legislation which does not apply. Provision is also made in connection with the transfer of functions, in particular in relation to transfer of property, rights and liabilities.

Part 10 of the Order provides for the transfer of fire and rescue functions to the Combined Authority, to be exercised by the Mayor. The Combined Authority becomes the fire and rescue authority for the area for the purposes of the Fire and Rescue Services Act 2004. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority is abolished. Articles 43 to 49 set out the arrangements which the Mayor may make for the exercise of the fire and rescue functions by the deputy mayor for policing and crime or a committee of the Combined Authority, and for oversight by the police and crime panel. Schedule 7 makes connected modifications to legislation.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sector. The impact on the public sector is that conferring functions on the Combined Authority should lead to operational efficiencies that could lead to reduced costs.