
STATUTORY INSTRUMENTS

2011 No. 908

The Greater Manchester Combined Authority Order 2011

PART 1

General

Citation and commencement

1. This Order may be cited as the Greater Manchester Combined Authority Order 2011 and shall come into force on 1st April 2011.

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined area” means the area consisting of the areas of the constituent councils;

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

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

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

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

“the ITA” means the Greater Manchester Integrated Transport Authority⁽¹⁾.

PART 2

Establishment of a Combined Authority for Greater Manchester

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority (“the GMCA”).

(3) The functions of the GMCA are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by this Order or any other enactment (whenever passed or made).

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

Constitution

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

Funding

5.—(1) The constituent councils must meet the costs of the GMCA reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the GMCA referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years previously.

PART 3

Transport

Abolition and transfer of functions

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

(2) On the abolition of the ITA—

- (a) its functions; and
- (b) its property, rights and liabilities

are transferred to the GMCA.

Adaptation of enactments

7.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the GMCA.

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

Delegation of certain transport functions

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

- (a) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984(2) so far as it relates to traffic signs that are traffic light signals;
- (b) under section 23 of that Act (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997(3); and
- (c) under section 2 of the Road Traffic Reduction Act 1997(4) (duty of principal councils to make reports).

(2) In consequence of subparagraphs (a) and (b) of paragraph (1) the GMCA, in the discharge of the functions delegated to it by those provisions, is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(5).

(3) In this article “traffic light signal” means a traffic sign of the size, colour and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002(6) or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.

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

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988(7), fall to be treated as expenses attributable to the exercise of the GMCA’s functions relating to transport.

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

(7) In the application of section 101 of the Local Government Act 1972(8) (arrangements for the discharge of functions) to the GMCA the functions delegated to the GMCA by paragraph (1) are to be treated as if they were functions of the GMCA.

Passenger Transport Executive

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

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

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- (2) 1984 c. 27. Section 65 was amended by the Local Government and Housing Act 1989 (c. 42) section 153, by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 48 and by the Road Traffic Act 1991 (c. 40) Schedule 4, paragraph 29.
 - (3) Part I of S.I. 1997/2400, to which there are amendments not relevant to this Order.
 - (4) 1997 c. 54.
 - (5) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.
 - (6) Part 1 of S.I. 2002/3113, to which there are amendments not relevant to this Order.
 - (7) 1988 c. 41; subsection (10) of section 74 was inserted by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraph 75.
 - (8) 1972 c. 70; section 101 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Schedule 10; the Local Government Act 1985 (c. 51) Schedule 14, paragraph 15, Schedule 17; the Statute Law (Repeals) Act 1986 (c. 12); the Local Government and Housing Act 1989 (c. 42) Schedule 12; the Education Act 1993 (c. 35) Schedules 19 and 21; the Local Government (Wales) Act 1994 (c. 19) Schedule 15, paragraph 26; the Police and Magistrates’ Courts Act 1994 (c. 29) Schedule 9; the Environment Act 1995 (c. 25) Schedule 24; the Greater London Authority Act 1999 (c. 29) section 332(1); the Licensing Act 2003 (c. 17) Schedule 6, paragraphs 56, 58; the Children Act 2004 (c. 31) Schedule 5; the Local Government and Public Health Involvement Act 2007 (c. 28), Schedule 13, paragraphs 1, 9; the Planning Act 2008 (c. 29) section 224(1); the Local Democracy, Economic Development and Construction Act 2009 (c. 20) Schedule 6, paragraphs 6, 10; the Marine and Coastal Access Act 2009 (c. 23) Schedule 22, Part 4; and by S.I. 2001/1517, 2002/803.
 - (9) S.I. 1969/95, amended by S.I. 1973/1727.

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

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

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

(b) section 19 of the Local Government Act 2000⁽¹⁰⁾ and regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000⁽¹¹⁾,

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

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

PART 4

Additional Functions

Economic development and regeneration functions

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

(2) The functions are exercisable concurrently with the constituent councils.

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

Incidental provisions

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

(a) section 142(2) of the Local Government Act 1972⁽¹²⁾ (the power to arrange for publication of information etc. relating to the functions of the authority); and

(b) section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).

12.—(1) The GMCA shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985⁽¹³⁾ (research and collection of information) whether or not a scheme is made under that section.

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

13. Section 13 of the Local Government and Housing Act 1989⁽¹⁴⁾ shall have effect as if—

⁽¹⁰⁾ 2000 c. 22.

⁽¹¹⁾ S.I. 2000/2851.

⁽¹²⁾ 1972 c.70. Section 142(2) was amended by the Local Government Act 1986 (c.10), section 3(1).

⁽¹³⁾ 1985 c.51, to which there are amendments not relevant to this Order.

⁽¹⁴⁾ 1989 c. 42. Section 13 was amended by the Education Act 1993 (c.35), section 307(1), (3), Schedule 19, paragraph 156(a), (c), (d), Schedule 21, Part 2; the Children Act 2004 (c.31), section 64, Schedule 5, Part 4; the Police and Magistrates' Courts Act 1994 (c.29), section 43, Schedule 4, Part 1, paragraph 36(a), (b), section 93, Schedule 9, Part 1; the Marine and Coastal Access Act 2009 (c.23), section 184, Schedule 14, paragraphs 12, 14, section 321, Schedule 22, Part 4; the Environment Act

- (a) in subsection (4), after paragraph (e) there were inserted—
- “(ea) subject to subsection (4A), a committee appointed by the Greater Manchester Combined Authority;”; and
- (b) after subsection (4) there were inserted—
- “(4A) A person who is a member of a committee falling within paragraph (ea) 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 he is a member of one of the constituent councils as defined by article 2 of the Greater Manchester Combined Authority Order 2011.”.

14. The Apprenticeships, Skills, Children and Learning Act 2009(15) shall have effect as if the GMCA were a local authority for the purposes of section 61(1)(c) and section 84(2).

PART 5

Supplementary

Transfer of the Commission for the New Economy etc

15.—(1) The GMCA is to become a member of the Commission for the New Economy Limited and Manchester Investment and Development Agency Service Limited, companies limited by guarantee and registered in England with company numbers 05678007 and 3323710.

(2) The constituent councils are to cease to be members of those companies.

Scheme for transfer of property etc.

16.—(1) Each constituent council must make a scheme for the transfer of its property, rights and liabilities to the GMCA or to the Executive, or to the GMCA and the Executive, as soon as reasonably practicable.

(2) The property, rights and liabilities that are to be the subject of the scheme are those relating to the transport functions of each constituent council delegated to the GMCA by article 8 of this Order.

(3) Any transfers by the scheme are to take effect on such date as may be specified in the scheme.

(4) The requirement in paragraph (1) may be fulfilled by a scheme or schemes made jointly by two or more of the constituent councils.

Continuity

17.—(1) None of the following, that is to say—

(a) anything in article 6 or 7;

(b) the transfer or delegation, by this Order or a scheme made under it, of the functions, property, rights or liabilities of the ITA or of a constituent council to the GMCA or the Executive,

affects the validity of anything done by or in relation to the ITA or the constituent council before the date on which the transfer or delegation takes effect.

1995 (c.25), section 120, Schedule 24; the Education Act 1996 (c.56), section 582(1), (2), Schedule 37, paragraph 96(1), (2), (3), (4), (5), Schedule 38, Part 1; S.I. 2010/1158, article 5(1), (2), Schedule 2, Part 2, paragraph 38(1), (3), (4)(a), (b), (c), (5) (a), (b), Schedule 3, Part 2; the School Standards and Framework Act 1998 (c.31), section 140(1), Schedule 30, paragraph 22(a), (b); S.I. 2001/1517, articles 2, 6(1)(a), (b); the Local Democracy, Economic Development and Construction Act 2009 (c.20), section 119, Schedule 6, paragraphs 81(1), (3).

(15) 2009 c. 22. Sections 61(1)(c) and 84(2) were amended by S.I. 2010/1158, article 5(1), Schedule 2, Part 1, paragraph 16(1), (3).

(2) There may be continued by or in relation to the GMCA or the Executive anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred or delegated; and
- (b) is in process of being done by or in relation to the ITA or constituent council immediately before the transfer or delegation takes effect.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or constituent council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred or delegated; and
- (b) is in effect immediately before the transfer or delegation takes effect,

has effect as if made or done by or in relation to the GMCA or the Executive.

(4) The GMCA or the Executive shall be substituted for the ITA or the constituent councils in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred or delegated; and
- (b) are made or commenced before the transfer or delegation takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or a constituent council includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA or constituent council.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988(16) and in accordance with the Transport Levying Bodies Regulations 1992(17) to the constituent councils in respect of the financial year beginning 1st April 2011 is to have effect for that year as if it had been so issued by the GMCA.

Signed on behalf of the Secretary of State for Communities and Local Government

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local
Government

22nd March 2011

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

(17) S.I. 1992/2789.