
STATUTORY INSTRUMENTS

2016 No. 653

The West Midlands Combined Authority Order 2016

PART 4

Additional functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 are exercisable by the Combined Authority 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 Combined Authority.

Incidental provisions

11. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

(a) section 142(2) of the Local Government Act 1972(1) (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(2) (power to prosecute and defend legal proceedings).

12.—(1) The Combined Authority 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(3) (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(4) (voting rights of members of certain committees) has effect as if—

(1) Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.

(2) To which there are amendments not relevant to this instrument.

(3) 1985 c. 51.

(4) 1989 c. 42. 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 (c. 29); 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 Local Democracy, Economic Development and Construction Act 2009; 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; and by S.I. 2010/1158. by the Public Service Pensions Act 2013 (c. 25) Schedule 8 paragraph 15; by S.I. 2001/1517; and by S.I. 2010/1158.

- (a) in subsection (4) after paragraph (h) there were inserted—
 - “(ha) subject to subsection (4ZA), a committee appointed by the West Midlands Combined Authority;”; and
- (b) after subsection (4) there were inserted—
 - “(4ZA) A person who is a member of a committee falling within paragraph (ha) 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—
 - (a) is a member of one of the constituent councils as defined by article 2 of the West Midlands Combined Authority Order 2016; or
 - (b) is given voting rights by resolution of the West Midlands Combined Authority in accordance with paragraph 4(4) of Schedule 1 to that Order.”.

14. Regulation 64 of the Local Government Pension Scheme Regulations 2013⁽⁵⁾ (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

“(8A) Paragraph (8B) applies where the existing employer is the West Midlands Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the West Midlands Combined Authority as a result of the establishment of the combined authority by article 3(1) of the West Midlands Combined Authority Order 2016.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

15.—(1) The Local Government Pension Scheme Regulations 2013 is amended as follows.

(2) In paragraph 1(z) of Part 1 of Schedule 3 (pension funds) for “West Midlands Integrated Transport Authority” substitute “West Midlands Combined Authority”.

(3) In Part 2 of Schedule 3 in the table insert at the end—

“An employee of the West Midlands Combined Wolverhampton City Council”
Authority established by the West Midlands
Combined Authority Order 2016

(5) S.I.2013/2356, amended by S.I. 2014/1146 and S.I. 2015/755.