
STATUTORY INSTRUMENTS

2017 No. 251

**The Cambridgeshire and Peterborough
Combined Authority Order 2017**

PART 3

Transport

Power to pay grant

7.—(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) These functions are exercisable—

- (a) concurrently with a Minister of the Crown; and
- (b) only for the purpose of paying grant to an upper-tier authority.

(3) Paragraph (4) applies where, in exercising the 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 an upper-tier authority 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 upper-tier authority has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account—

- (a) any other sources of funding available to the upper-tier authority for expenditure incurred or to be incurred in relation to the exercise of its highway functions; and
- (b) the most recent determination by the Secretary of State of an amount of grant paid to the upper-tier authority for those purposes.

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

- (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 an upper-tier authority;
- (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 the functions exercisable by an upper tier authority (in whatever capacity) in relation to the highways for which they are the highway authority(1).

Local transport

8. The following functions are exercisable by the Combined Authority, instead of the upper-tier authorities, in relation to the Area—

- (a) functions of the upper-tier authorities specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(2); and
- (b) the functions of the upper-tier authorities as local transport authorities specified in Part 2 (local transport) of the 2000 Act(3).

Agreements between authorities

9.—(1) The functions of the upper-tier authorities 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.)(4) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the upper-tier authorities as local highway authorities specified in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(5);
- (b) section 62 (general power of improvement)(6);
- (c) section 64 (dual carriageways and roundabouts)(7);
- (d) section 65 (cycle tracks);
- (e) section 66 (footways and guard-rails etc for publicly maintainable highways)(8);
- (f) section 68 (refuges);
- (g) section 69 (subways)(9);
- (h) section 70 (footbridges over highways);

(1) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(2) 1985 c. 67.

(3) Section 108(4) of the 2000 Act provides that in Part 2 of that Act “local transport authority” means (a) a county council in England, (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council, (c) an Integrated Transport Authority for an integrated transport area in England, (ca) a combined authority, or (d) a county council or county borough council in Wales.

(4) 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.

(5) 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 (c. 7).

(6) Section 62 was amended by Schedule 10 to the Transport Act 1981 (c. 56), Schedule 17 to the Local Government Act 1985 (c. 51), and section 1(1) of the Traffic Calming Act 1992 (c. 30).

(7) Section 64 was amended by Schedule 17 to the Local Government Act 1985 and Schedule 9 to the New Roads and Street Works Act 1991 (c. 22).

(8) Section 66 was amended by paragraph 17 of Schedule 4 to the Local Government Act 1985, section 70(1) of the Countryside and Rights of Way Act 2000 (c. 37), and paragraph 23 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(9) Section 69 was amended by Schedule 17 to the Local Government Act 1985, paragraph 7 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 24 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

- (i) section 73 (power to prescribe improvement line for widening street) **(10)**;
- (j) section 74 (power to prescribe a building line)**(11)**;
- (k) section 75 (variation of widths of carriageways and footways);
- (l) section 76 (levelling of highways);
- (m) section 77 (alteration of levels);
- (n) section 78 (cutting off of corners);
- (o) section 79 (prevention of obstruction to view at corners)**(12)**;
- (p) section 80 (power to fence highways)**(13)**;
- (q) section 81 (provision of highway boundary posts);
- (r) section 91 (construction of bridge to carry existing highway maintainable at public expense);
- (s) section 92 (reconstruction of bridge maintainable at public expense);
- (t) section 93 (power to make orders as to reconstruction, improvement, etc of privately maintainable bridges)**(14)**;
- (u) section 94 (powers of highway authorities and bridge owners to enter into agreements);
- (v) section 96 (powers of highway and local authorities to plant trees, lay out grass verges etc);
- (w) section 97 (lighting of highways)**(15)**;
- (x) section 98 (delegation of lighting functions of highway authority);
- (y) section 99 (metalling of highways);
- (z) section 100 (drainage of highways)**(16)**; and
- (aa) section 101 (power to fill in roadside ditches etc).

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

(4) In this article, “local highway authority” has the meaning given by section 329(1) of the 1980 Act (further provision as to interpretation)**(17)**.

(10) Section 73 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48) and paragraph 62 of Schedule 25 to the Water Act 1989 (c. 15).

(11) Section 74 was amended by sections 37 and 46 of the Criminal Justice Act 1982 and paragraph 62 of Schedule 25 to the Water Act 1989.

(12) Section 79 was amended by paragraph 18 of Schedule 17 to the Local Government Act 1985, paragraph 8 of Schedule 7 to the Local Government (Wales) Act 1994, sections 37 and 46 of the Criminal Justice Act 1982, and paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(13) Section 80 was amended by paragraph 19 of Schedule 4 to the Local Government Act 1985, paragraph 45(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 25 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(14) Section 93 was amended by paragraph 27 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(15) Section 97 was amended by paragraph 29 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(16) Section 100 was amended by paragraph 21 of Schedule 4 to the Local Government Act 1985, paragraph 62 of Schedule 25 to the Water Act 1989, paragraph 36(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991, and paragraph 9 of Schedule 7 to the Local Government (Wales) Act 1994.

(17) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015 (c. 7).