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## STATUTORY INSTRUMENTS

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# 2018 No. 1133

## The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018

### PART 1

#### General

#### Citation and commencement

1. This Order may be cited as the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 and comes into force on the day after the day on which it is made.

#### Commencement Information

II Art. 1 in force at 2.11.2018, see [art. 1](#)

#### Interpretation

2. In this Order other than in Schedule 5—

“the 1985 Act” means the Housing Act 1985(1)

“the 1989 Act” means the Local Government and Housing Act 1989(2);

“the 1999 Act” means the Greater London Authority Act 1999(3);

“the 2003 Act” means the Local Government Act 2003(4);

“the 2008 Act” means the Housing and Regeneration Act 2008(5);

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

“the 2011 Act” means the Localism Act 2011(6);

“the 2014 Order” means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014(7);

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

“the Combined Authority” means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;

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(1) 1985 c. 68.

(2) 1989 c. 42.

(3) 1999 c. 29.

(4) 2003 c. 26.

(5) 2008 c. 17.

(6) 2011 c. 20.

(7) S.I. 2014/1012.

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

- “the commencement date” means the date on which this Order comes into force;
- “constituent councils” means the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland;
- “Corporation” means a corporation established by the Secretary of State in accordance with section 198 of the 2011 Act, as modified by Schedule 4 to this Order, following the designation of an area of land by the Combined Authority;
- “Interim Mayor” means the additional member appointed in accordance with paragraph 2 of Schedule 1;
- “ITA” means the Tyne and Wear Integrated Transport Authority;
- “Mayor” means the mayor for the combined area as provided for by article 5, except in the term “Interim Mayor” or “Mayor of London”;
- “joint transport committee” means the committee appointed under article 8;
- “the Local Enterprise Partnership” means the board of the North East Local Enterprise Partnership.

**Commencement Information**

**I2** Art. 2 in force at 2.11.2018, see [art. 1](#)

## PART 2

### Establishment of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority

#### **Establishment of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority and renaming of the former Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority**

- 3.**—(1) The Combined Authority is established for the combined area.
- (2) The Combined Authority is to be a body corporate and to be known as the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.
- (3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any 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).
- (4) The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by article 3 of the 2014 Order is to be known as the Durham, Gateshead, South Tyneside and Sunderland Combined Authority.

**Commencement Information**

**I3** Art. 3 in force at 2.11.2018, see [art. 1](#)

#### **Constitution of the Combined Authority**

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

#### Commencement Information

**I4** Art. 4 in force at 2.11.2018, see [art. 1](#)

#### Mayor

**5.—(1)** There is to be a Mayor for the combined area.

(2) The first election for the return of a Mayor is to take place on 2nd May 2019.

[<sup>F1</sup>(3A) There are to be no subsequent elections for the return of a Mayor following the election that took place on 2nd May 2019.

(4A) The term of office of the Mayor elected on 2nd May 2019 is to continue until the end of 6th May 2024.]

#### Textual Amendments

**F1** Art. 5(3A)(4A) substituted for art. 5(3)-(5) (21.3.2024) by [The North East Mayoral Combined Authority \(Establishment and Functions\) Order 2024 \(S.I. 2024/402\)](#), arts. 1(2), **13(2)** (with art. 9)

#### Commencement Information

**I5** Art. 5 in force at 2.11.2018, see [art. 1](#)

#### Political advisers

**6.—(1)** The Mayor may appoint one person as the Mayor’s 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
- (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) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>(8)</sup>), apply 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 “and that the appointment terminates” to the end of that subsection were omitted.

<sup>(8)</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 and by [S.I. 2001/2237](#). There are other amendments not relevant to this Order.

*Status: Point in time view as at 21/03/2024.**Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)***Commencement Information****16** Art. 6 in force at 2.11.2018, see [art. 1](#)**PART 3****Transport****Transfer of functions etc. relating to transport**

- 7.—(1) The following functions are transferred to the Combined Authority—
- (a) the functions of an integrated transport authority which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;
  - (b) the functions of a county council under Parts 4 and 5 of the Transport Act 1985<sup>(9)</sup> which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;
  - (c) the functions of a county council as local transport authority under Part 2 of the Transport Act 2000<sup>(10)</sup> which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area; and
  - (d) the issuing of levies in respect of the costs relating to the combined area reasonably attributable to the exercise of functions relating to transport under section 74 of the Local Government Finance Act 1988<sup>(11)</sup> to the councils for the local government areas of—
    - (i) Newcastle Upon Tyne;
    - (ii) North Tyneside; and
    - (iii) Northumberland.

(2) Subject to paragraph (3), the property, rights and liabilities that were transferred to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority under article 6(2)(b) of the 2014 Order, and any other such property, rights and liabilities which have subsequently accrued to that authority in consequence of that transfer are to be held jointly by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority.

(3) The Durham, Gateshead, South Tyneside and Sunderland Combined Authority will continue to be the Scheme employer for the purposes of the Local Government Pension Scheme Regulations

<sup>(9)</sup> 1985 c.67.

<sup>(10)</sup> 2000 c.38.

<sup>(11)</sup> 1988 c. 41. Section 74 was amended by section 117 of and paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 20 of and paragraph 21 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19); section 120 of and Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); section 109 of and paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 53 of and paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); section 22 of and paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); sections 119 and 146 of and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the 2009 Act; section 99 of and paragraph 182(a) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); section 79 of and paragraphs 1 and 2 of Schedule 7 to the Localism Act 2011 (c. 20); section 9 of the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 1994/2825.

2013 in place of the ITA and will continue to be responsible for meeting the liabilities of the Tyne and Wear Pension Fund in respect of benefits due to or in respect of the ITA's employees or former employees, or any liabilities of any predecessor authority.

- (4) 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.

- (5) In any enactment (whenever passed or made)—
- (a) any reference to any 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 Combined Authority.

- (6) Any reference in any enactment (whenever passed or made) relating to—
- (a) a function of a county council under Part 4 or 5 of the Transport Act 1985, or
  - (b) a function of a county council as local transport authority under Part 2 of the Transport Act 2000,

and which is a reference to a county, or to any class of area which includes a county, is to be treated as including a reference to the combined area.

- (7) Any reference in any enactment (whenever passed or made) relating to—
- (a) a function of a county council under Part 4 or 5 of the Transport Act 1985; or
  - (b) a function of a county council as local transport authority under Part 2 of the Transport Act 2000,

and which is a reference to a county council, or to any class of body which includes a county council, is to be treated as including a reference to the Combined Authority.

**Commencement Information**

**I7** Art. 7 in force at 2.11.2018, see [art. 1](#)

**Establishment of joint transport committee**

**8.—**(1) The Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority must appoint a joint transport committee in accordance with Schedule 2.

(2) Schedule 2 (which makes provision about the constitution of the joint transport committee) has effect.

**Commencement Information**

**I8** Art. 8 in force at 2.11.2018, see [art. 1](#)

**Functions to be exercised by joint transport committee**

**9.—**(1) The functions specified in the following sub-paragraphs are exercisable only by the joint transport committee—

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

- (a) the functions of an integrated transport authority which are exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority by virtue of articles 6 and 7 of the 2014 Order;
  - (b) the functions of a county council which are exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority by virtue of articles 8 and 9 of the 2014 Order;
  - (c) the functions of an integrated transport authority or county council which are exercisable by the Combined Authority by virtue of article 7(1)(a) to (c) and (4) to (7) of this Order;
  - (d) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as Authorities under Part 2 of the Transport Act 1968<sup>(12)</sup>;
  - (e) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as combined authorities under Parts 4 and 5 of the Transport Act 1985;
  - (f) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as local transport authorities under Part 2 of the Transport Act 2000;
  - (g) anything to be done in relation to the property, rights and liabilities referred to in article 7(2); and
  - (h) the setting of any transport levy to be issued under article 27(5) of this Order or article 5(3) of the 2014 Order.
- (2) The joint transport committee may arrange for the exercise of any of the functions referred to in paragraph (1) by—
- (a) the constituent council for the area in relation to which the function is to be exercised;
  - (b) an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or
  - (c) a sub-committee appointed in accordance with paragraph (3).
- (3) The membership of a sub-committee of the joint transport committee is to be determined by the joint transport committee and may include any—
- (a) member or substitute member of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or
  - (b) member of a constituent council appointed to the sub-committee by that council.
- (4) For the purposes of exercising the functions mentioned in paragraph (1) the joint transport committee may do anything that the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)<sup>(13)</sup>.
- (5) The joint transport committee must designate an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as the proper officer for transport being the principal officer to assist the committee in its exercise of the transport functions exercisable by the committee under paragraph (1).
- (6) Any arrangements made by the joint transport committee under this article for the exercise of any functions by a constituent council, sub-committee or officer must not prevent the joint transport committee from exercising those functions.

<sup>(12)</sup> 1968 c. 73.

<sup>(13)</sup> Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of and paragraph 25 of Schedule 5 to the Cities And Local Government Devolution Act 2016. Economic prosperity boards (EPBs) are bodies corporate established under section 88 of the 2009 Act.

(7) Any enactment relating to those functions to be discharged by the joint transport committee or the authorities by whom or the areas in respect of which they are to be exercised, has effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the area in respect of which they are to be exercised.

(8) For the purpose of this article, “constituent council” means any of the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

(9) Standing Orders made under section 106 of the Local Government Act 1972(14) (standing orders) are subject to the provisions on the quorum and proceedings of the joint transport committee contained in Schedule 2 to this Order.

(10) In this article, “proper officer” has the same meaning as in section 270(3) of the Local Government Act 1972(15).

#### Commencement Information

**I9** Art. 9 in force at 2.11.2018, see [art. 1](#)

### Passenger Transport Executive

**10.**—(1) In this article “the Executive” means the Tyne and Wear Passenger Transport Executive.

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008(16) and Part 6 of the 2009 Act.

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

#### Commencement Information

**I10** Art. 10 in force at 2.11.2018, see [art. 1](#)

### Amendments to the Transport Act 1968

**11.** In section 9 of the Transport Act 1968 (integrated transport areas and passenger transport)(17)—

(a) in subsection (1)(b)—

(i) in sub-paragraph (ia) after “area” insert “(except as mentioned in sub-paragraph (ib))”;

(ii) after sub-paragraph (ia) insert—

“(ib) in relation to the areas of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, those

(14) 1972 c. 70.

(15) To which there are amendments not relevant to this Order.

(16) 2008 c. 26.

(17) Section 9 was amended by paragraph 1 of Schedule 18 to the Local Government (Scotland) Act 1973 (c. 65); by sections 57 and 58 of, paragraph 3 of Schedule 3 to and Schedule 8 to the Transport Act 1985; by paragraph 80 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39); by section 49 and Schedule 8 to the Deregulation Act 2015 (c. 20) and in relation to England and Wales only by section 98 of, paragraph 2 of Schedule 4 to and Part 4 of Schedule 7 to the Local Transport Act 2008 and by S.I. 2011/908, S.I. 2014/864, S.I. 2014/866 and by S.I. 2016/653.

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

authorities acting jointly through the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;”;

(b) in subsection (1)(c), for sub-paragraph (ie) substitute—

“(ie) in relation to the areas of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, the Tyne and Wear Passenger Transport Executive;”;

(c) after subsection (6B) insert—

“(6C) Subsection (1)(ab) applies in relation to each of the authorities within subsection (6D) as if for the words “an area for which a combined authority is established” there were substituted “the area consisting of the areas for which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority are established”.

(6D) The authorities referred to in subsection (6C) are—

- (a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;
- (b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.”.

#### Commencement Information

**111** Art. 11 in force at 2.11.2018, see [art. 1](#)

#### Modifications to the Transport Act 2000

**12.**—(1) Section 108 of the Transport Act 2000 (local transport plans)(**18**) applies in relation to the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as if—

- (a) any reference to the area of a local transport authority were a reference to the area consisting of the areas for which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority are established; and
- (b) in subsection (4) for paragraph (ca) there were substituted—

“(ca) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority acting jointly through the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018,”.

(2) The Combined Authority is not to be treated as a mayoral combined authority for the purposes of section 123A(4)(a) of the Transport Act 2000(**19**).

**(18)** 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, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act.

**(19)** Section 123A was inserted by section 4 of the Bus Services Act 2017 (c. 21).



**Commencement Information**

**I12** Art. 12 in force at 2.11.2018, see [art. 1](#)

## PART 4

### Housing and regeneration

#### Housing and regeneration

**13.**—(1) The functions of the constituent councils described in the following provisions are exercisable by the Combined Authority in relation to the combined area—

- (a) section 1 of the 2011 Act (local authority’s general power of competence) so far as those functions are exercisable for the purpose of economic development and regeneration;
- (b) section 8 of the 1985 Act<sup>(20)</sup> (periodical review of housing needs);
- (c) section 11 of the 1985 Act<sup>(21)</sup> (provision of board and laundry facilities);
- (d) section 12 of the 1985 Act (provision of shops, recreation grounds, etc)<sup>(22)</sup>;
- (e) section 17 of the 1985 Act<sup>(23)</sup> (acquisition of land for housing purposes); and
- (f) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The exercise of the functions in paragraphs (1)(c) to (e) requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land in relation to which the function is to be exercised; or
- (b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority

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

(4) Any requirement in any enactment for a constituent council to exercise any of the functions described in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

(6) For the purposes of paragraph (1)(b) to (f) the Combined Authority is to be treated as a local housing authority for the combined area.

**Commencement Information**

**I13** Art. 13 in force at 2.11.2018, see [art. 1](#)

<sup>(20)</sup> 1985 c. 68. Section 8 was amended by paragraph 62 of Schedule 11 to the 1989 Act and section 124 of the Housing and Planning Act 2016 (c. 22).

<sup>(21)</sup> Section 11 was amended by section 198 of and paragraph 103 of Schedule 6 to the Licensing Act 2003 (c. 17).

<sup>(22)</sup> Section 12 was amended by S.I. 2010/844.

<sup>(23)</sup> Section 17 was amended by section 222 of and paragraph 24 of Schedule 18 to the Housing Act 1996 (c. 52).

## **Conferral of functions the Homes and Communities Agency has in relation to the combined area**

**14.**—(1) The functions of the Homes and Communities Agency (“HCA”) 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 combined 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)(**24**);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(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 objective of—

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

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

(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) 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 under the functions specified in paragraph (1) and land acquired by the Combined Authority under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 3.

### **Commencement Information**

**I14** Art. 14 in force at 2.11.2018, see [art. 1](#)

(24) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015 (c. 7).

## PART 5

### Mayoral development corporation

#### Mayoral development corporation

**15.**—(1) The Combined Authority has, in relation to the combined 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)(**25**);
- (d) section 202 (functions in relation to town and country planning);
- (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)(**26**);
- (i) section 217 (dissolution: final steps);
- (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).

#### Commencement Information

**I15** Art. 15 in force at 2.11.2018, see [art. 1](#)

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

**16.**—(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 4.

(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 4.

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

(25) 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).

(26) 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.

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

(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 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; or
- (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,

as it applies in relation to a Mayoral development corporation.

(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 Minister of the Crown 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)(**27**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**28**);
- (c) section 38 of the 1999 Act (delegation)(**29**);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(**30**);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(**31**);
- (f) section 73 of the 1999 Act (monitoring officer)(**32**);

(27) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(28) 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](#).

(29) 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](#).

(30) 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 Police Reform and Social Responsibility Act 2011, 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](#).

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

(32) 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

- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(33);
- (h) section 424 of the 1999 Act (interpretation)(34);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(35); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(36).

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

#### Commencement Information

**I16** Art. 16 in force at 2.11.2018, see [art. 1](#)

#### Mayoral development corporation: incidental provisions

17.—(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)(37), and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction)(38) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(39) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but 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.

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](#).

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

(34) 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.

(35) 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.

(36) 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.

(37) 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).

(38) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.

(39) 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 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 [SI 2001/2237](#).

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

### Commencement Information

**I17** Art. 17 in force at 2.11.2018, see [art. 1](#)

## PART 6

### Additional functions

#### Education, skills and training functions

**18.**—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the combined area.

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

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)(**40**);
- (b) sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(**41**);
- (c) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(**42**);
- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(**43**);
- (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(**44**);
- (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**45**);
- (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**46**);
- (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(**47**); and
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**48**).

**(40)** Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

**(41)** Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 45 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and by [S.I. 2010/1158](#). Section 15ZA was amended by paragraph 5 of Schedule 3 to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by [S.I. 2015/1852](#). Section 15ZC was amended by [S.I. 2015/1852](#). Section 17A was also amended by sections 30 and 82 of the Education Act 2011 and paragraph 16 of Schedule 2 to [SI 2010/1158](#). Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3 to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3 to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3 to the Children and Families Act 2014.

**(42)** Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).

**(43)** Section 10 was amended by [S.I. 2010/1158](#).

**(44)** Section 12 was amended by [S.I. 2010/1158](#).

**(45)** Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by [S.I. 2010/1158](#).

**(46)** Section 70 was amended by section 28 of the Education Act 2011 and by [S.I. 2010/1158](#).

**(47)** Section 71 was amended by section 28 of the Education Act 2011.

**(48)** Section 85 was amended by [S.I. 2010/1158](#).

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

(4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

#### Commencement Information

**I18** Art. 18 in force at 2.11.2018, see [art. 1](#)

#### Other functions

**19.**—(1) The functions of the constituent councils described in the provisions set out in paragraph (2) are exercisable by the Combined Authority in relation to the combined area.

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

- (a) section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)(**49**);
- (b) section 145 of the Local Government Act 1972 (provision of entertainments)(**50**); and
- (c) section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

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

(4) 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.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

#### Commencement Information

**I19** Art. 19 in force at 2.11.2018, see [art. 1](#)

#### Incidental provisions

**20.**—(1) The provisions set out in paragraph (2) have effect as if the Combined Authority were a local authority for the purposes of those provisions.

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

- (a) section 113 of the Local Government Act 1972 (placing staff at the disposal of other local authorities)(**51**);

(49) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985. There are other amendments which are not relevant to this instrument.

(50) Section 145 was amended by section 198 of, and paragraph 59 of Schedule 6 to, the Licensing Act 2003 (c. 17).

(51) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

- (b) section 142(2) of the Local Government Act 1972 (power to arrange for publication of information etc relating to the functions of the authority)(52); and
- (c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(53).

(3) 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 (research and collection of information)(54) whether or not a scheme is made under that section.

(4) For the purposes of paragraph (3) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 has effect as if a reference to “that area” were a reference to the combined area.

**21.**—(1) Section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees: England and Wales)(55) has effect as if—

- (a) in subsection (4), after paragraph (e) there were inserted—

“(ea) subject to subsection (4A), a committee appointed by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;”;

- (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 must 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 as defined by article 2 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”.

**22.**—(1) Column 1 of the table in Part 2 of Schedule 3 (appropriate administering authority) to the Local Government Pension Scheme Regulations 2013(56) is amended in accordance with paragraph (2).

(2) For “an employee of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014” substitute—

“An employee of the following combined authorities—

- (a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014; and

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

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

(54) 1985 c. 51. Section 88 was amended by section 396 of the 1999 Act.

(55) 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.

(56) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.



- (b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”

**23.**—(1) The Transport Levying Bodies Regulations 1992<sup>(57)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) insert after the definition of the “1992 Act”—

““the 2014 Order” means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014;

“the 2018 Order” means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;”

(b) in the definition of “combined authority”—

(aa) omit “or” before “(ah)”;

(bb) after “(ah)” insert “or (ai)”.

(3) In regulation 3 (application)—

(i) in sub-paragraph (ae), for “the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority”, substitute “the Durham, Gateshead, South Tyneside and Sunderland Combined Authority”;

(ii) after sub-paragraph (ah) insert—

“(ai) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.”

(4) after regulation 7(4)(ad) (apportionment of levies) insert—

“(ae) in the case of levies to be issued by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority pursuant to article 27(5), in accordance with regulation 7B.”.

(5) for regulation 7B substitute—

**“Calculation and apportionment of levies issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority**

**7B.**—(1) The amounts of the levies to be issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (“the Authorities”) under article 5(3) of the 2014 Order and article 27(5) of the 2018 Order to their constituent councils for the financial year 2019 to 2020, or any subsequent financial year, are to be determined by the joint transport committee in accordance with the following provisions of this regulation.

(2) The joint transport committee must apportion the estimated relevant expenditure of the Authorities for the financial year in question between—

- (a) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities’ functions in relation to the county of Tyne and Wear (“the Tyne and Wear component”);

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<sup>(57)</sup> S.I. 1992/2789. Regulation 3 was amended by S.I. 2012/213, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Reg 7 was amended by S.I. 2012/213, S.I. 2012/2914, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Regulation 7B was inserted by S.I. 2015/27.

- (b) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities' functions in relation to the county of Durham (the Durham component); and
  - (c) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities' functions in relation to the county of Northumberland ("the Northumberland component").
- (3) The Tyne and Wear component must be met by means of the levy issued to—
- (a) the councils for the local government areas of Gateshead, South Tyneside and Sunderland by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under article 5(3)(a) of the 2014 Order; and
  - (b) the councils for the local government areas of Newcastle Upon Tyne and North Tyneside by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority under article 27(5)(a) and (b) of the 2018 Order.
- (4) The Durham component must be met by means of the levy issued to Durham County Council under article 5(3)(b) of the 2014 Order.
- (5) The Northumberland component must be met by means of the levy issued to Northumberland County Council under article 27(5)(c) of the 2018 Order.
- (6) Where, in respect of any financial year, the joint transport committee estimates that the apportionment of the actual expenditure of the Authorities between the Tyne and Wear, Durham and Northumberland components will differ from that estimated under paragraph (2), the joint transport committee must make appropriate adjustments to its estimates under paragraph (2) for the following financial year.
- (7) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies referred to in paragraph (3) to (5) reflect the actual expenditure of the Authorities on the Tyne and Wear, Durham and Northumberland components.
- (8) The proportions in which the levy issued to the councils under paragraph (3) is to be shared among those councils are to be determined in the same way as proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.
- (9) In this regulation, "joint transport committee" means the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018."

**24.**—(1) The Sub-National Transport Body (Transport for the North) Regulations 2018(**58**) are amended as follows.

- (2) In the definition of "constituent authorities" in regulation 2—
  - (i) for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority";
  - (ii) after "North Lincolnshire Borough Council" insert "Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority".

#### **Commencement Information**

**I20** Art. 20 in force at 2.11.2018, see [art. 1](#)

**I21** Art. 21 in force at 2.11.2018, see [art. 1](#)

- I22** Art. 22 in force at 2.11.2018, see [art. 1](#)
- I23** Art. 23 in force at 2.11.2018, see [art. 1](#)
- I24** Art. 24 in force at 2.11.2018, see [art. 1](#)

### Data sharing

**25.**—(1) The functions of the constituent councils described in section 17A (sharing of information) of the Crime and Disorder Act 1998(**59**) are exercisable by the Combined Authority in relation to the combined 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(**60**).

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

### Commencement Information

- I25** Art. 25 in force at 2.11.2018, see [art. 1](#)

## PART 7

### Mayoral functions and funding

#### Functions exercisable only by the Mayor

**26.**—(1) The functions set out in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are—

(a) the functions of the Combined Authority in the following enactments—

- (i) section 9(2) of the 2008 Act (acquisition of land); and
- (ii) section 17 of the 1985 Act (acquisition of land for housing purposes) insofar as they are exercisable for the purpose of acquiring land compulsorily in accordance with section 17(3); and

(b) the functions of the Combined Authority corresponding to the functions specified in the following provisions of the 2011 Act—

- (i) section 197 (designation of mayoral development areas);
- (ii) section 199 (exclusion of land from Mayoral development areas);
- (iii) section 200 (transfer of property etc. to a Mayoral development corporation);
- (iv) section 202 (functions in relation to Town and Country Planning);
- (v) section 204 (removal or restriction of planning functions);

**(59)** 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).

**(60)** 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); section s 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.

*Status: Point in time view as at 21/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. (See end of Document for details)*

- (vi) sections 214 to 217;
  - (vii) sections 219 to 221; and
  - (viii) paragraphs 1 to 4, 6 and 8 of Schedule 21 (Mayoral Development Corporations).
- (3) The exercise by the Mayor of the functions mentioned in paragraph (2)(a) requires the consent of—
- (a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land subject to the proposed compulsory acquisition; or
  - (b) substitute members acting in place of those members.
- (4) The 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) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or
  - (b) substitute members acting in place of those members.
- (5) The 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—
- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
  - (b) substitute members acting in place of those members.
- (6) The 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 Northumberland National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Northumberland National Park; and
  - (b) each member of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.
- (7) For the purpose of paragraphs (3), (4) and (5) and (6)(b), the consent must be given at a meeting of the Combined Authority.
- (8) Members and officers of the Combined Authority may assist the Mayor in the exercise of the functions mentioned in paragraph (1).
- (9) For the purposes of the exercise of the general functions mentioned in paragraph (1) 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).

#### **Commencement Information**

**I26** Art. 26 in force at 2.11.2018, see [art. 1](#)

## Funding

27.—(1) Subject to paragraphs (2) and (5), 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 specified in article 26(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 equal shares between the constituent councils.

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

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

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this 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 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 three separate levies issued by the Authority to the councils for the local government areas of—

(a) Newcastle Upon Tyne;

(b) North Tyneside; and

(c) Northumberland,

under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992.

(6) A levy issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under section 74 of the Local Government Finance Act 1988 to the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland in respect of the financial year beginning 1st April 2018 has effect for that year from and after the commencement date as if it had been so issued by the Combined Authority.

### Commencement Information

127 Art. 27 in force at 2.11.2018, see [art. 1](#)

## Continuity

28.—(1) Nothing in this Order affects the validity of anything done, before the commencement date, by or in relation to—

(a) the ITA with respect to the functions, property, rights and liabilities transferred under article 6 of the 2014 Order and article 7 of this Order;

(b) Durham County Council and Northumberland County Council with respect to the functions transferred under article 8 of the 2014 Order;

- (c) Durham County Council and Northumberland County Council with respect to the functions transferred under article 7(1)(b) and (c); and
- (d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority with respect to functions exercised in relation to the combined area immediately before the commencement date.

(2) Anything (including legal proceedings) which—

- (a) is in the process of being done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date; and
- (b) which relates to any functions of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority exercised in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

may be continued by or in relation to the Combined Authority.

(3) Anything which—

- (a) is in effect immediately before the commencement date; and
- (b) which was made or done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority for the purposes of or otherwise in connection with any functions exercised in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

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

(4) The Combined Authority is to be substituted for the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before the commencement date; and
- (b) relate to any of the functions exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g).

(5) Anything (including legal proceedings) which is in the process of being done by or in relation to a relevant body immediately before the commencement date and which relates to the functions exercisable by the joint transport committee under article 9(1)(a) to (g) may be continued by the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(6) Anything which—

- (a) is in effect immediately before the commencement date; and
- (b) which was made or done by or in relation to a relevant body for the purposes of or otherwise in connection with any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

has effect as if made or done by or in relation to the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(7) The Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority are jointly to be substituted for a relevant body in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before the commencement date;

- (b) and relate to any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g).
- (8) Paragraphs (2) to (7) are subject to article 11(6) of the 2014 Order.
- (9) For the purposes of this article, a relevant body is—
- (a) the ITA;
  - (b) Durham County Council;
  - (c) Northumberland County Council; and
  - (d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.
- (10) A reference in this article to anything made or done by or in relation to a relevant body 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 that authority.

**Commencement Information**

**I28** Art. 28 in force at 2.11.2018, see [art. 1](#)

**Amendments to the 2014 Order**

- 29.** Schedule 5 (which makes amendments to the 2014 Order) has effect.

**Commencement Information**

**I29** Art. 29 in force at 2.11.2018, see [art. 1](#)

Signed by authority of the Secretary of State for Housing, Communities and Local Government

1st November 2018

*Jake Berry*  
Parliamentary Under Secretary of State  
Ministry of Housing, Communities and Local  
Government

**Status:**

Point in time view as at 21/03/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.