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STATUTORY INSTRUMENTS

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**2023 No. 1432**

**The York and North Yorkshire Combined Authority Order 2023**

**PART 1**

**General**

**Citation, commencement and extent**

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

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

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

(4) This Order extends to England and Wales.

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**Commencement Information**

**11** Art. 1 in force at 20.12.2023, see [art. 1\(2\)](#)

**Interpretation**

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

“the 1980 Act” means the Highways Act 1980(1);

“the 1984 Act” means the Road Traffic Regulation Act 1984(2);

“the 1985 Act” means the Housing Act 1985(3);

“the 1989 Act” means the Local Government and Housing Act 1989(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“the 1999 Act” means the Greater London Authority Act 1999(6);

“the 2000 Act” means the Transport Act 2000(7);

“the 2003 Act” means the Local Government Act 2003(8);

“the 2004 Act” means the Fire and Rescue Services Act 2004(9);

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(1) 1980 c. 66.  
(2) 1984 c. 27.  
(3) 1985 c. 68.  
(4) 1989 c. 42.  
(5) 1990 c. 8.  
(6) 1999 c. 29.  
(7) 2000 c. 38.  
(8) 2003 c. 26.  
(9) 2004 c. 21.

- “the 2008 Act” means the Housing and Regeneration Act 2008**(10)**;
- “the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009**(11)**;
- “the 2011 Act” means the Localism Act 2011**(12)**;
- “the BRS Act” means the Business Rate Supplements Act 2009**(13)**;
- “the PRSR Act” means the Police Reform and Social Responsibility Act 2011**(14)**;
- “the TM Act” means the Traffic Management Act 2004**(15)**;
- “Area” means the area of the Combined Authority;
- “chief fire officer” means the person with responsibility for managing the fire and rescue service;
- “Combined Authority” means the York and North Yorkshire Combined Authority as established by article 3;
- “community risk management plan” means a plan which—
- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
  - (b) sets out for the period covered by the document in accordance with the requirements of the Framework—
    - (i) the Combined Authority’s priorities and objectives, and
    - (ii) an assessment of all foreseeable fire and rescue related risks that could affect its community, in accordance with the discharge of the Combined Authority’s functions as a fire and rescue authority;
- “constituent councils” means the councils for the local government areas of North Yorkshire and the City of York;
- “Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3 to this Order, following the designation of an area of land by the Combined Authority;
- “deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;
- “election for the return of the mayor” means an election held pursuant to article 4;
- “fire and rescue authority” means a fire and rescue authority under the 2004 Act;
- “fire and rescue declaration” means a document which—
- (a) is prepared and published by the Combined Authority in accordance with the Fire and Rescue National Framework, and
  - (b) contains a statement of the way in which the Combined Authority has had regard, in the period covered by the document, to the Framework and to any community risk management plan prepared by the Combined Authority for that period;
- “fire and rescue functions” means functions conferred on the Combined Authority as a fire and rescue authority by, or by virtue of, any enactment;

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**(10)** 2008 c. 17.  
**(11)** 2009 c. 20.  
**(12)** 2011 c. 20.  
**(13)** 2009 c. 7.  
**(14)** 2011 c. 13.  
**(15)** 2004 c. 18.

“Fire and Rescue National Framework” means the document prepared by the Secretary of State under section 21 of the 2004 Act<sup>(16)</sup>;

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

- (a) section 6 of the 2004 Act (fire safety);
- (b) section 7 of that Act (fire-fighting);
- (c) section 8 of that Act (road traffic accidents);
- (d) any order under section 9 of that Act (emergencies) which applies to the FRA;
- (e) section 2 of the Civil Contingencies Act 2004 (duty to assess, plan and advise)<sup>(17)</sup> and any subordinate legislation made under that Act applying to the FRA;
- (f) any other provision of, or made under, an enactment which confers functions on a fire and rescue authority;

“FRA” means the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority<sup>(18)</sup>;

“highway authority” and “local highway authority” have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act<sup>(19)</sup>;

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

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

“PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992<sup>(20)</sup>, as modified by the Combined Authorities (Finance) Order 2017<sup>(21)</sup> in respect of the Mayor’s PCC functions<sup>(22)</sup>;

“PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992<sup>(23)</sup> (as modified by the Combined Authorities (Finance) Order 2017) in respect of the Mayor’s PCC functions;

“Police, Fire and Crime Panel” means the police and crime panel established and maintained in accordance with Schedule 6 to the PRSR Act<sup>(24)</sup> (police and crime panel) for the North Yorkshire police area;

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

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<sup>(16)</sup> Section 21 was amended by paragraph 9 of Schedule 1 to the Policing and Crime Act 2017 (c. 3). The Framework is available at <https://www.gov.uk/government/publications/fire-and-rescue-national-framework-for-england>. A hard copy can be obtained by writing to the Fire Strategy and Reform Unit, Home Office, 2 Marsham Street, London, SW1P 4DF.

<sup>(17)</sup> 2004 c. 36. There are amendments to section 2 not relevant to this instrument.

<sup>(18)</sup> Established by article 3 of S.I. 2018/970.

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

<sup>(20)</sup> 1992 c. 14. Section 42A was inserted by section 75 of the 2011 Act and amended by article 3 of S.I. 2014/389. Section 107G of the 2009 Act provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

<sup>(21)</sup> S.I. 2017/611.

<sup>(22)</sup> “PCC functions” is defined in section 107F(3) of the 2009 Act.

<sup>(23)</sup> Section 42A was inserted by section 75 of the 2011 Act and amended by S.I. 2014/389. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

<sup>(24)</sup> Schedule 6 was amended by paragraph 92 of Schedule 1 to the Policing and Crime Act 2017.

**Commencement Information**

**12** Art. 2 in force at 20.12.2023, see [art. 1\(2\)](#)

## PART 2

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

#### Establishment

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

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

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

**Commencement Information**

**13** Art. 3 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Mayor

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

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

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

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

(a) begins with 7th May 2024; and

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

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

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

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

(6) In this article “ordinary day of election” in relation to any year, means the day which is the ordinary day of election in that year of councillors for counties and districts in England as determined in accordance with section 37 of the Representation of the People Act 1983<sup>(25)</sup>.

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<sup>(25)</sup> 1983 c. 2. Section 37 was amended by the Representation of the People Act 1985 (c. 50), section 18, the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3, paragraphs 1 and 5 and the Wales Act 2017 (c. 4), section 6. There are other amendments not relevant to this instrument.

**Commencement Information**

**I4** Art. 4 in force at 20.12.2023, see [art. 1\(2\)](#)

**Political adviser**

- 5.**—(1) The Mayor may appoint one person as their political adviser.
- (2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.
- (3) No appointment under paragraph (1) may extend beyond—
- (a) the term of office for which the Mayor who made the appointment was elected; or
  - (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- (4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.
- (5) Section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)<sup>(26)</sup> applies in relation to an appointment under paragraph (1) as if—
- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
  - (b) the Combined Authority were a relevant authority for the purposes of that section.
- (6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words from “and that the appointment terminates” to the end of that subsection were omitted.

**Commencement Information**

**I5** Art. 5 in force at 20.12.2023, see [art. 1\(2\)](#)

**Constitution**

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

**Commencement Information**

**I6** Art. 6 in force at 20.12.2023, see [art. 1\(2\)](#)

<sup>(26)</sup> Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237. There are other amendments not relevant to this instrument.

## PART 3

### Housing, regeneration and planning

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

7.—(1) The functions of the Homes and Communities Agency (“HCA”)(**27**) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(**28**);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) section 19 (power to give financial assistance);
- (j) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (k) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

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

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

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

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

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act(**29**).

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

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

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(27) The HCA was established by section 1 of the 2008 Act.

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

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

**Commencement Information**

**17** Art. 7 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

- (a) section 17 of the 1985 Act (acquisition of land for housing purposes)(**30**);
- (b) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes);
- (c) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(**31**);
- (d) section 227 of the 1990 Act (acquisition of land by agreement);
- (e) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (f) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (g) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (h) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(**32**);
- (i) section 235 of the 1990 Act (development of land held for planning purposes);
- (j) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(**33**);
- (k) section 238 of the 1990 Act (use and development of consecrated land(**34**));
- (l) section 239 of the 1990 Act (use and development of burial grounds); and
- (m) section 241 of the 1990 Act (use and development of open spaces).

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

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

**Commencement Information**

**18** Art. 8 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

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

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

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

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

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

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

(3) For the purposes of article 8(1)(a) and (b) the Combined Authority is to be treated as a local housing authority for the Area<sup>(35)</sup>.

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

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

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**Commencement Information**

**19** Art. 9 in force at 20.12.2023, see [art. 1\(2\)](#)

## PART 4

### Mayoral development corporation

#### Mayoral development corporation

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

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

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)<sup>(36)</sup>;
- (d) section 202 (functions in relation to town and country planning)<sup>(37)</sup>;
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)<sup>(38)</sup>;
- (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);

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<sup>(35)</sup> In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

<sup>(36)</sup> Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

<sup>(37)</sup> Section 81 of the 2023 Act makes amendments to section 202.

<sup>(38)</sup> Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

- (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

**I10** Art. 10 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Application of provisions in the 2011 Act

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

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

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

(a) any reference to a Mayoral development corporation; or

(b) any reference which falls to be read as a reference to a Mayoral development corporation, is to be treated as including a reference to a Corporation.

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

(a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme;

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

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

(a) the power of a Secretary of State to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and

(b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

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

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(39);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(40);
- (c) section 38 of the 1999 Act (delegation)(41);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(42);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(43);
- (f) section 73 of the 1999 Act (monitoring officer)(44);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)(45);
- (h) section 424 of the 1999 Act (interpretation)(46);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(47); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(48).

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

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#### Commencement Information

**III** Art. 11 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Mayoral development corporation: incidental provisions

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

- (a) section 1 (disqualification and political restriction of certain officers and staff)(49); and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of section 1.

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(39) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(40) 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](#).

(41) 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](#).

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

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

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

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

(46) 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.

(47) 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.

(48) 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.

(49) 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).

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(**50**) 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 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.

#### Commencement Information

**I12** Art. 12 in force at 20.12.2023, see [art. 1\(2\)](#)

## PART 5

### Transport

#### Local Transport

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

- (a) the functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(**51**);
- (b) the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.

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

(3) The functions described in section 108(1)(b), (2ZA) and (3B), and section 109(4) of the 2000 Act(**52**) are exercisable by the Combined Authority concurrently with the constituent councils, subject to the modifications set out in paragraph (4).

(4) The modifications are—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed under section 108(1)(a) of the 2000 Act in accordance with the functions conferred on the Combined Authority by paragraph (1)(b);

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**(50)** 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 [S.I. 2001/2237](#).

**(51)** 1985 c. 67.

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

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

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**Commencement Information**

**I13** Art. 13 in force at 20.12.2023, see [art. 1\(2\)](#)

**Agreements between authorities and strategic highways companies**

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

- (a) the functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(**53**);
- (b) the functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**54**).

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

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

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**Commencement Information**

**I14** Art. 14 in force at 20.12.2023, see [art. 1\(2\)](#)

**Civil enforcement of road traffic contraventions**

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

- (a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraphs 9 and 10 of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London)(**55**), to the TM Act;
- (b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(**56**); and

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(53) 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.

(54) 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.

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

(56) S.I. 2022/71.

- (c) the Civil Enforcement of Road Traffic Contraventions (Representation and Appeals) Regulations 2022<sup>(57)</sup>.
- (2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).
- (3) In this article—
- (a) “civil enforcement area” means an area designated as a civil enforcement area under Schedule 8 to the TM Act (civil enforcement areas and enforcement authorities) which falls within the Area;
- (b) “Enforcement Area” means the area comprising all of the civil enforcement areas of the constituent councils; and
- (c) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the TM Act pursuant to paragraph 9(4) or 10(5) of Schedule 8 to that Act.
- (4) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

**Commencement Information**

**I15** Art. 15 in force at 20.12.2023, see [art. 1\(2\)](#)

**Grants to bus service operators**

- 16.**—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) (grants to bus service operators) of the 2000 Act is exercisable by the Combined Authority in relation to the Area.
- (2) For the purpose of paragraph (1), section 154(1) of the 2000 Act has effect as if the words “with the approval of the Treasury” were omitted.
- (3) Grants made by virtue of the functions conferred by paragraph (1) must be—
- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the 2000 Act; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the 2000 Act and notified to the Combined Authority.
- (4) Grants must not be made by virtue of the function conferred by paragraph (1) to the extent that eligible bus services operate outside the Area.
- (5) The function mentioned in paragraph (1) is exercisable concurrently with the Secretary of State in relation to the Area.
- (6) In this article, “eligible bus services” has the meaning given by section 154(5) of the 2000 Act.

**Commencement Information**

**I16** Art. 16 in force at 20.12.2023, see [art. 1\(2\)](#)

(57) [S.I. 2022/576](#).

## Traffic regulation

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

- (a) section 1 (traffic regulation orders outside Greater London)(**58**);
- (b) section 2 (what a traffic regulation order may provide)(**59**);
- (c) section 9 (experimental traffic orders)(**60**).

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

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

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

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

(6) In this article—

- (a) “the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(**61**); and
- (b) “local traffic authority” has the meaning given by section 121A(**62**) of the 1984 Act.

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

### Commencement Information

**I17** Art. 17 in force at 20.12.2023, see [art. 1\(2\)](#)

## Transport functions related to traffic signs and pedestrian crossings

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

- (a) section 23 (pedestrian crossings)(**63**); and

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

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

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

(61) S.I. 1996/2489.

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

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

(b) section 65 (placing of traffic signs)(64).

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

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

(a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the 1980 Act(65); and

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

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

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

#### Commencement Information

**I18** Art. 18 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

(a) sections 83, 84 and 85 of the 1991 Act(66); and

(b) the 2000 Regulations.

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

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

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

(5) In this article—

(a) “the 1991 Act” means the New Roads and Street Works Act 1991(67);

(b) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(68);

(c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations; and

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

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

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

(67) 1991 c. 22.

(68) S.I. 2000/3314.

(d) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act<sup>(69)</sup>.

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

#### Commencement Information

**I19** Art. 19 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Permit schemes

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

- (a) section 33 (preparation of permit schemes)<sup>(70)</sup>;
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)<sup>(71)</sup>; and
- (c) section 36 (variation and revocation of permit schemes)<sup>(72)</sup>.

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

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

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

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

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

(7) In this article—

- (a) “Permit Authority” has the same meaning as in regulation 2(1) of the 2007 Regulations;
- (b) “permit scheme” is to be construed in accordance with section 32 of the TM Act; and
- (c) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007<sup>(73)</sup>.

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

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<sup>(69)</sup> Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004.

<sup>(70)</sup> Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

<sup>(71)</sup> Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

<sup>(72)</sup> Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

<sup>(73)</sup> [S.I. 2007/3372](#).

#### Commencement Information

**I20** Art. 20 in force at 20.12.2023, see [art. 1\(2\)](#)

### Lane rental schemes

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

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

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

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

(5) In this article—

- (a) “Approved Authority” has the same meaning as in regulation 2 of the 2012 Regulations;
- (b) “lane rental scheme” means a scheme whereby an undertaker executing street works in a maintainable highway is required to pay to the highway authority a charge determined by reference to the duration of the works; and
- (c) “the 2012 Regulations” means the Street Works Charges for Occupation of the Highway (England) Regulations 2012<sup>(74)</sup>.

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

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

#### Commencement Information

**I21** Art. 21 in force at 20.12.2023, see [art. 1\(2\)](#)

### Power to pay grant

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

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

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

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

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

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

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

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

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

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**Commencement Information**

**I22** Art. 22 in force at 20.12.2023, see [art. 1\(2\)](#)

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

**23.**—(1) The Sub-national Transport Body (Transport for the North) Regulations 2018<sup>(75)</sup> are amended in accordance with paragraph (2).

- (2) In regulation 2(1) (interpretation) in the definition of “constituent authorities”—
  - (a) omit “The Council of the City of York” and “North Yorkshire Council”; and
  - (b) after “Westmorland and Furness Council<sup>(76)</sup>”, insert “The York and North Yorkshire Combined Authority”.

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**Commencement Information**

**I23** Art. 23 in force at 20.12.2023, see [art. 1\(2\)](#)

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<sup>(75)</sup> [S.I. 2018/103](#).

<sup>(76)</sup> Westmorland and Furness Council was established by [S.I. 2022/331](#). [S.I. 2023/187](#) amended the Sub-national Transport Body (Transport for the North) Regulations 2018 accordingly.

## PART 6

### Additional functions

#### Data sharing

**24.—**(1) The functions of the constituent councils specified in section 17A (sharing of information) of the Crime and Disorder Act 1998<sup>(77)</sup> are exercisable by the Combined Authority in relation to the Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998<sup>(78)</sup>.

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

#### Commencement Information

**I24** Art. 24 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Assessment of economic conditions

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

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

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

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

#### Commencement Information

**I25** Art. 25 in force at 20.12.2023, see [art. 1\(2\)](#)

#### Incidental provisions

**26.—**(1) The following provisions of the Local Government Act 1972<sup>(79)</sup> have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 113 (the power to place staff at the disposal of other local authorities);
- (b) section 142(2) (the power to arrange for publication of information etc relating to the functions of the Combined Authority);

<sup>(77)</sup> 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

<sup>(78)</sup> Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); section 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.

<sup>(79)</sup> 1972 c. 70.

- (c) section 144 (the power to encourage visitors and provide conference and other facilities);
- (d) section 145 (the power to provide and support cultural activities and entertainments); and
- (e) section 222 (power to prosecute and defend legal proceedings).

(2) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985<sup>(80)</sup> (research and collection of information) whether or not a scheme is made under that section.

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

(4) Section 13 of the 1989 Act (voting rights of members of certain committees)<sup>(81)</sup> has effect as if—

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

“(i) subject to subsection (4A), a committee appointed by the York and North Yorkshire Combined Authority.”;

- (b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils.”.

(5) In Part 2 of Schedule 3 to the Local Government Pension Scheme Regulations 2013<sup>(82)</sup>, in the table insert at the end—

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

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

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

#### Commencement Information

**I26** Art. 26 in force at 20.12.2023, see [art. 1\(2\)](#)

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<sup>(80)</sup> 1985 c. 51.

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

<sup>(82)</sup> S.I. 2013/2356. There are amendments to Part 2 which are not relevant to this instrument.

## PART 7

### Mayoral functions

#### Functions exercisable only by the Mayor

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

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

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

(3) For the purposes of the exercise of the general functions<sup>(83)</sup> mentioned in paragraph (2), the members and officers of the Combined Authority may assist the Mayor in the exercise of the function.

(4) For the purposes of the exercise of the functions mentioned in paragraph (2), the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)<sup>(84)</sup>.

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

#### Commencement Information

**I27** Art. 27 in force at 7.5.2024, see art. 1(3)

#### Joint committees

**28.**—(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972<sup>(85)</sup> for the discharge of the general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 27.

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

<sup>(83)</sup> “general functions” are defined at section 107D of the 2009 Act and are any functions exercisable by the mayor other than PCC functions.

<sup>(84)</sup> Section 113A was inserted by section 13(1) of the 2011 Act and amended by paragraph 25 of Schedule 5 to the 2016 Act.

<sup>(85)</sup> 1972. c. 70.

### Commencement Information

**I28** Art. 28 in force at 20.12.2023, see [art. 1\(2\)](#)

## PART 8

### Funding

#### Funding

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

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

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion of the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board<sup>(86)</sup>.

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

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

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring such expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992<sup>(87)</sup> is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992<sup>(88)</sup>.

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

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

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<sup>(86)</sup> Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

<sup>(87)</sup> 1992, c. 14.

<sup>(88)</sup> S.I. 1992/2789.

**Commencement Information**

**I29** Art. 29 in force at 20.12.2023, see [art. 1\(2\)](#)

**Conferral of Business Rate Supplements functions**

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

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

**Commencement Information**

**I30** Art. 30 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

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

**Commencement Information**

**I31** Art. 31 in force at 20.12.2023, see [art. 1\(2\)](#)

## PART 9

### Police and crime commissioner functions

**Police and crime commissioner functions**

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

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

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on or after 7th May 2024) by virtue of section 50(1)(b) of the PRSR Act (ordinary elections)<sup>(89)</sup> is not to take place.

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

(5) Any election to fill a vacancy in the office of police and crime commissioner for North Yorkshire which would otherwise take place under section 51 of the PRSR Act (election to fill

<sup>(89)</sup> Section 50 was amended by section 8(1) – (4) of the Wales Act 2017 (c. 4).

vacancy in office of commissioner)(90) is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 2nd May 2024.

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**Commencement Information**

**I32** Art. 32 in force at 20.12.2023, see [art. 1\(2\)](#)

**Transfer of police and crime commissioner functions**

**33.**—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor’s PCC functions(91), as a police and crime commissioner for the purposes of all police and crime commissioner enactments, whenever passed or made(92).

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

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

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**Commencement Information**

**I33** Art. 33 in force at 20.12.2023, see [art. 1\(2\)](#)

**Transfer of property, rights and liabilities**

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

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

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

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

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18 of the PRSR Act (delegation of functions by police and crime commissioners)(93), as applied in accordance with article 33 in relation to the matters mentioned in paragraph (2).

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

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

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

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

**Commencement Information**

**I34** Art. 34 in force at 20.12.2023, see [art. 1\(2\)](#)

**Secondments**

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

**Commencement Information**

**I35** Art. 35 in force at 20.12.2023, see [art. 1\(2\)](#)

**Continuity**

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

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

(3) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the police and crime commissioner for North Yorkshire immediately before 7th May 2024.

(4) Anything which—

- (a) was made or done by or in relation to the police and crime commissioner for North Yorkshire for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 7th May 2023,

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

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

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

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

**Commencement Information**

**I36** Art. 36 in force at 20.12.2023, see [art. 1\(2\)](#)

### Foreign property etc, perfection of vesting

**37.**—(1) Subsections (2) to (8) of section 414 of the 1999 Act (foreign property, rights and liabilities: perfection of vesting)<sup>(94)</sup> apply to the transfer by or under this Part of any foreign property, rights or liabilities.

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

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

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#### Commencement Information

**I37** Art. 37 in force at 20.12.2023, see [art. 1\(2\)](#)

### Transfers: supplementary provision

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

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

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

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

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

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

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

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

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

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#### Commencement Information

**I38** Art. 38 in force at 20.12.2023, see [art. 1\(2\)](#)

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(94) 1999 c. 29.

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

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

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**95**) to prepare a statement of accounts for each financial year ending with 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**96**) is modified so that the relevant responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 18th June 2024.

(4) In this article—

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

“the relevant responsible financial officer”(**97**) means—

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

### Commencement Information

**I39** Art. 39 in force at 20.12.2023, see [art. 1\(2\)](#)

## Modification to the Local Government Act 1972

**40.**—(1) Section 86 of the Local Government Act 1972 (declaration by local authority of vacancy in office in certain cases)(**98**) applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

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

### Commencement Information

**I40** Art. 40 in force at 20.12.2023, see [art. 1\(2\)](#)

(95) 2014 c. 2.

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

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

(98) 1972 c. 70. Section 86 was amended by paragraph 8 of Schedule 14 to the Local Government Act 1985 (c. 51) and by section 59 of and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments not relevant to this instrument.

## PART 10

### Fire and rescue functions

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

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

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

(3) The FRA is abolished.

#### Commencement Information

**I41** Art. 41(1) in force at 7.5.2024, see [art. 1\(3\)](#)

**I42** Art. 41(2)(3) in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

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

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

#### Commencement Information

**I43** Art. 42 in force at 7.5.2024, see [art. 1\(3\)](#)

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

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

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

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

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

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

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

### Commencement Information

**I44** Art. 43 in force at 7.5.2024, see **art. 1(3)**

### Members of fire committee

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

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

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

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

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

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

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

(8) A member of the fire committee may resign as a member of the fire committee by written notice served on the proper officer of the constituent council which that person had been a member of at the time of their appointment to the committee and the resignation is to take effect on receipt of the notice by the proper officer.

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

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

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

(b) the Mayor must appoint another person to be a member of the fire committee.

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

(12) In this article—

“special responsibility allowance” and “travelling subsistence allowance” have the same meaning as in the Local Authorities (Members' Allowances) (England) Regulations 2003<sup>(99)</sup>.

<sup>(99)</sup> S.I. 2003/1021, to which there are amendments not relevant to this instrument.

**Commencement Information**

**I45** Art. 44 in force at 7.5.2024, see [art. 1\(3\)](#)

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

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

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

(2) In paragraph (1)(d) “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 (meaning of “emergency”)(**100**).

(3) In paragraph (1)(e) “Category 1 responder” and “Category 2 responder” have the meanings given in section 3 of the Civil Contingencies Act 2004 (section 2: supplemental)(**101**).

**Commencement Information**

**I46** Art. 45 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

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

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

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

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

#### **Commencement Information**

**I47** Art. 46 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

- (a) consult the chief fire officer in preparing the draft plan, or the draft variation;
- (b) send the draft priorities and objectives, or the draft variation of the priorities and objectives, to the Police, Fire and Crime Panel;
- (c) have regard to any report or recommendations made by the Police, Fire and Crime Panel in relation to the draft priorities and objectives, in accordance with section 28(3)(**102**) of the PRSR Act; and
- (d) as soon as reasonably practicable, give the Police, Fire and Crime Panel a response to any such report or recommendations, and publish the response in such manner as the Mayor considers appropriate.

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

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

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

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

- (a) send a copy of the issued community risk management plan, or the variation, to the chief fire officer; and
- (b) publish a copy of the issued plan, or the variation, in such manner as the Mayor considers appropriate.

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

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

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

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**Commencement Information**

**I48** Art. 47 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

- (2) The notification described in paragraph (1) must be given—
- (a) before the date on which the Combined Authority determines whether to approve the Mayor’s annual budget in relation to the following financial year; and
  - (b) at a time which permits the Police, Fire and Crime Panel a reasonable amount of time to review the proposed allocation of budget before the Combined Authority makes its determination.

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**Commencement Information**

**I49** Art. 48 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

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

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

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**Commencement Information**

**I50** Art. 49 in force at 20.12.2023, see [art. 1\(2\)](#)

### *Transitional arrangements and asset transfers*

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

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

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

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

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

#### **Commencement Information**

**I51** Art. 50 in force at 20.12.2023, see [art. 1\(2\)](#)

#### **Secondments**

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

#### **Commencement Information**

**I52** Art. 51 in force at 20.12.2023, see [art. 1\(2\)](#)

#### **Continuity**

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

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

(3) There may be continued by or in relation to the Combined Authority anything, including legal proceedings, which—

- (a) relates to any of the functions, property or rights transferred; and
- (b) is in the process of being done by or in relation to the FRA immediately before 7th May 2024.

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

- (a) anything which was made or done by or in relation to the FRA for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 7th May 2024.

(5) The Combined Authority is to be substituted for the FRA in any instruments, contracts or legal proceedings which—

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

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

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**Commencement Information**

**I53** Art. 52 in force at 20.12.2023, see [art. 1\(2\)](#)

**Transfers: supplementary provision**

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

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

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

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

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

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

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

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

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

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**Commencement Information**

**I54** Art. 53 in force at 20.12.2023, see [art. 1\(2\)](#)

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

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

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**103**) to prepare a statement of accounts for each financial year ending on 31st March is modified so that the period ends with 6th May 2024.

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(103)2014 c. 2.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**104**) is modified so that the responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 18th June 2024.

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

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**Commencement Information**

**I55** Art. 54 in force at 20.12.2023, see [art. 1\(2\)](#)

**Revocation**

**55.** The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018(**105**) is revoked.

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**Commencement Information**

**I56** Art. 55 in force at 20.12.2023, see [art. 1\(2\)](#)

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

19th December 2023

*Jacob Young*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

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

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

**Changes to legislation:**

There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023.