
STATUTORY INSTRUMENTS

2024 No. 232

The East Midlands Combined
County Authority Regulations 2024

PART 6

Transport

Local transport functions under the Transport Act 1985

14.—(1) The functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985⁽¹⁾ are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraph (3), the functions specified in—

- (a) sections 57 to 62; and
- (b) sections 80 to 87,

of the Transport Act 1985 are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period the functions mentioned in paragraph (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) Subject to paragraph (5), the functions specified in—

- (a) sections 63 and 64;
- (b) sections 65 to 71;
- (c) sections 72 to 76;
- (d) sections 78 and 79;
- (e) sections 88 to 92;
- (f) sections 93 to 101;
- (g) sections 103 to 105; and
- (h) sections 106 and 106A⁽²⁾,

of the Transport Act 1985 are exercisable by the Combined County Authority concurrently with the constituent councils.

(5) Any exercise of the functions mentioned in paragraph (4)(a), (d) and (f) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(1) 1985 c. 67.

(2) Section 106A was inserted by section 27 of the Local Government and Rating Act 1997 (c. 29).

Local transport functions under the Transport Act 2000

15.—(1) The functions of the constituent councils as local transport authorities specified in Part 2 of the 2000 Act (local transport) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraphs (3) to (5), the functions specified in—

- (a) sections 108 and 109(3);
- (b) sections 112 and 113;
- (c) sections 113C to 123(4);
- (d) sections 123A to 123X(5);
- (e) sections 138A to 143B(6); and
- (f) sections 152 to 162,

of the 2000 Act are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period—

- (a) the exercise of the functions mentioned in paragraph (2)(a) and (b) by the Combined County Authority requires a unanimous vote in favour by all members of the Combined County Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined County Authority;
- (b) the functions mentioned in paragraph (2)(c) to (f) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) The functions mentioned in paragraph (2)(a) and (b) are subject to the following modifications—

- (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;
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan prepared under section 108(3); 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 County Authority by paragraph (1) of this regulation.

(5) Any exercise of the functions mentioned in paragraph (2)(d) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(6) The functions specified in—

- (a) sections 134C to 138(7);
- (b) section 145A(8);

(3) Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 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 2000, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

(4) Sections 113C to 113O were inserted by section 1 of the Bus Services Act 2017 (c. 21).

(5) Sections 123A to 123X were inserted by section 4 of the Bus Services Act 2017.

(6) Sections 138A to 138S were inserted by section 9 of the Bus Services Act 2017. Sections 141A, 143A and 143B were inserted by sections 18(1), 5 and 10 (respectively) of that Act.

(7) Sections 134C to 134G were inserted by section 7 of the Bus Services Act 2017.

(8) Section 145A was inserted by section 1 of the Concessionary Bus Travel Act 2007 (c. 13).

- (c) section 146; and
- (d) sections 148 to 150,

of the 2000 Act, are exercisable by the Combined County Authority concurrently with the constituent councils.

Agreements between authorities and strategic highways companies

16.—(1) The following functions are exercisable by the Combined County 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)(**9**);
- (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)(**10**).

(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.

Civil enforcement of road traffic contraventions

17.—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the enforcement area—

- (a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraph 10 (designation of civil enforcement areas for moving traffic contraventions) of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London) to, the 2004 Act;
- (b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(**11**);
- (c) the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022(**12**).

(2) The functions are exercisable by the Combined County Authority (in relation to the enforcement area) concurrently with each constituent council (in relation to its civil enforcement area).

(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.

(4) In this regulation—

- (a) “civil enforcement area” means an area designated as a civil enforcement area under Part 2 of Schedule 8 to the 2004 Act (civil enforcement areas and enforcement authorities outside Greater London) which falls within the Area;

(9) Section 6 was amended by paragraph 4 of Schedule 4 to the Local Government Act 1985 (c. 51), by paragraph 2 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 7 of Schedule 1 to the Infrastructure Act 2015 (c. 7), and by S.I. 1995/1986.

(10) Section 8 was amended by paragraph 5 of Schedule 4 to the Local Government Act 1985, by paragraph 3 of Schedule 7 to the Local Government (Wales) Act 1994, and by paragraph 8 of Schedule 1 to the Infrastructure Act 2015.

(11) S.I. 2022/71, amended by S.I. 2022/686.

(12) S.I. 2022/576.

- (b) “enforcement area” means the area comprising the civil enforcement areas of the constituent councils;
- (c) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the 2004 Act pursuant to paragraph 10(5) of Schedule 8 to that Act.

Workplace parking levy

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

- (a) Chapters 2 and 3 of Part 3 of the 2000 Act (workplace parking levy);
- (b) the Workplace Parking Levy (England) Regulations 2009⁽¹³⁾.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined County Authority 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 function is to be exercised.

(4) In paragraph (1), “licensing authority” has the meaning given by section 178(6)(a) of the 2000 Act (preliminary).

Grants to bus service operators

19.—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) of the 2000 Act (grants to bus service operators) is exercisable by the Combined County Authority in relation to the Area.

(2) For the purpose of paragraph (1), section 154 of the 2000 Act has effect as if—

- (a) in subsection (1), “with the approval of the Treasury (as respects England)” were omitted; and
- (b) in subsection (3), for “with the approval of the Treasury (as respects England)” there were substituted “and notified to the Combined County Authority”.

(3) Grants made under paragraph (1) must be 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.

(4) Grants must not be made under 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 paragraph (4), “eligible bus services” has the meaning given by section 154(5) of the 2000 Act.

Permit schemes

20.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined County Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)⁽¹⁴⁾;

⁽¹³⁾ S.I. 2009/2085.

⁽¹⁴⁾ Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c. 20).

(b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(**15**);

(c) section 36 (variation and revocation of permit schemes)(**16**).

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

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

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined County 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 these Regulations.

(5) References in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined County Authority.

(6) 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.

(7) In this regulation—

(a) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(**17**);

(b) “Permit Authority” has the same meaning as in regulation 2(1) of the 2007 Regulations; and

(c) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act (meaning of “permit scheme”).

Power to pay grant

21.—(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 County Authority that are exercisable in relation to the Area.

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

(3) Paragraph (4) applies where, further to the exercise of any function referred to in paragraph (1), the Combined County 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.

(4) In determining the amount referred to in paragraph (3), the Combined County Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of the functions referred to in paragraph (3).

(5) To comply with paragraph (4), the Combined County Authority must take into account any other sources of funding available to the constituent council 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 County Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(15) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.

(16) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

(17) *S.I. 2007/3372*, amended by *S.I. 2015/958*, *S.I. 2020/122* and *S.I. 2022/831*.

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- (i) the reference to a Minister of the Crown were a reference to the Combined County 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 the grant were references to the Combined County Authority;
 - (d) subsection (6) were omitted.
- (7) In this regulation “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.