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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The West of England Combined Authority Order 2017**

**PART 3**

**Transport**

**Power to pay grant**

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

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

(3) Paragraph (4) applies where, in exercising the functions referred to in paragraphs (1) and (2), 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.

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

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

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

(6) For the purposes of the exercise by the Combined Authority of the functions referred to in paragraphs (1) and (2), 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.

(8) The exercise by the Combined Authority of the function specified in paragraph (1) on or before 7th May 2017 requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

## Local transport

8.—(1) Subject to paragraph (2), the following 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<sup>(1)</sup>; and
- (b) the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.

(2) Functions which are exercisable by the constituent councils and contained in regulations made under section 144 of the 2000 Act (civil penalties for bus lane contraventions) are not exercisable by the Combined Authority.

(3) Subject to paragraph (4), the functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the constituent councils.

(4) The functions contained in sections 63 (functions of local councils with respect to passenger transport in areas other than integrated transport areas and passenger transport areas) and 64 (consultation and publicity with respect to policies as to services) of the Transport Act 1985 are exercisable by the Combined Authority jointly with the constituent councils.

(5) The exercise by the Combined Authority of the functions in sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the 2000 Act<sup>(2)</sup> on or before 7th May 2017 requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

## Agreements between authorities and strategic highways companies

9.—(1) The functions of the constituent councils specified in section 6 of the 1980 Act<sup>(3)</sup> (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8<sup>(4)</sup> of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) are exercisable by the Combined Authority in relation to the Area.

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

(4) In this article—

- (a) “the 1980 Act” means the Highways Act 1980<sup>(5)</sup>; and

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(1) 1985 c. 67.

(2) 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, 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 2009 Act. 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 2009 Act. Section 112 was amended by sections 10 and 11 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 211 of and by paragraph 48 of Schedule 26 to the Equality Act 2010.

(3) 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, section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(4) 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.

(5) 1980 c. 66.

(b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act<sup>(6)</sup>.

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<sup>(6)</sup> This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015.