
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Greater Manchester Combined Authority
(Functions and Amendment) Order 2019**

Citation and commencement

1.—(1) This Order may be cited as the Greater Manchester Combined Authority (Functions and Amendment) Order 2019.

(2) This Order comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 2000 Act” means the Transport Act 2000(1);

“the 2011 Order” means the Greater Manchester Combined Authority Order 2011;

“constituent councils” means the district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan;

“GMCA” means the Greater Manchester Combined Authority, a body corporate established by the 2011 Order(2); and

“the Mayor” means the mayor for the area of the GMCA(3).

PART 1

Transport

Conferral of functions on the GMCA

3.—(1) The GMCA has in relation to its area the functions contained in the following provisions, that Transport for Greater Manchester(4) has in relation to that area—

(a) section 149(1) of the 2000 Act (reimbursement of operators)(5);

(b) section 150(1) and (2) (procedure for reimbursement arrangements determined by authority) of the 2000 Act (6);

(c) sections 88 to 92 and 93(6) of the Transport Act 1985(7); and

(1) [2000 c. 38](#).

(2) Article 3(2) of the Greater Manchester Combined Authority Order 2011 provides that “the combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority (“the GMCA”)”.

(3) Article 3 of the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 ([S.I. 2016/448](#)) provides for there to be a mayor for the area of the GMCA.

(4) Transport for Greater Manchester is an executive body of the GMCA as designated by article 9(2) of the 2011 Order.

(5) Section 149 was amended by section 3 of the Concessionary Bus Travel Act [2007 \(c. 13\)](#).

(6) Section 150 was amended by section 3 of the Concessionary Bus Travel Act 2007.

(7) [1985 c. 67](#).

- (d) section 9A(4) to (7) of the Transport Act 1968 (general functions of Authorities and Executives)(8).
- (2) The functions are exercisable by the GMCA instead of by Transport for Greater Manchester.

PART 2

Mayoral functions

- 4. The functions of the GMCA specified in Schedule 1 are general functions exercisable only by the Mayor(9).
- 5. For the purposes of the exercise of the general functions conferred by article 4—
 - (a) members and officers of the GMCA may assist the Mayor; and
 - (b) the Mayor has the power to do in relation to the general functions anything that the GMCA may do under section 113A of the 2009 Act (general power of EPB or combined authority) for the purposes of its functions(10).

PART 3

Joint transport committee

6. The Mayor may enter into arrangements jointly with the GMCA and with the constituent councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the functions listed in Schedule 2.

7.—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).

(2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.

(3) The members appointed by the constituent councils must be members of those councils.

(4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.

(5) In appointing members to the joint transport committee—

(a) the Mayor, the GMCA and the constituent councils must ensure that—

(i) the number of members of the committee does not exceed twenty three;

(ii) members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and

(b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect

(8) 1968 c. 73. Section 9A was inserted by section 57 of the Transport Act 1985 and amended by sections 161 and 274 of and paragraph 3 of Schedule 11 and paragraph 1 of part 2 of Schedule 31 to the 2000 Act; sections 10, 67, 77 and 131 of and paragraph 3 of Schedule 4 to and paragraph 1 of Schedule 7 to the Local Transport Act 2008; and by [S.I. 2014/864](#); [S.I. 2014/866](#); and by [S.I. 2016/653](#).

(9) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to “general functions”, in relation to a Mayor for the area of a combined authority, are to any functions exercisable by the Mayor other than PCC functions.

(10) Section 113A was inserted by section 13 of the 2011 Act and amended by section 23 of, and paragraph 25 of Schedule 5 to, the 2016 Act.

so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.

(6) Questions relating to the apportionment of membership under paragraph (5)(b) require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, of the GMCA to be carried.

Chair of the joint transport committee

8.—(1) Where a joint transport committee is established in accordance with article 6 the Mayor must in each year appoint the chair of the joint transport committee from among the members of that committee.

(2) If a vacancy arises in the office of chair, the Mayor must make an appointment to fill the vacancy at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

Proceedings of joint transport committee

9. Any questions that are to be decided by the joint transport committee are to be decided by a majority of the members and substitute committee members, acting in place of members, present and voting on that question at a meeting of the joint transport committee.

PART 4

Funding

10.—(1) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in Schedule 1 to the extent that the Mayor has not decided to meet these costs from other resources available to the Mayor.

(2) Any amount payable by each of the constituent councils to ensure that the costs referred to in paragraph (1) are met is to be determined by apportioning such costs between the constituent councils in accordance with the proportion to the total resident population of the GMCA which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board⁽¹¹⁾, or in the alternative in such proportions as the members of the GMCA, or substitute members acting in place of those members, may unanimously agree.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years previously.

(4) In respect of the expenditure mentioned in paragraph (1) the total amount to be met by the constituent councils must not exceed £86.7 million per annum.

(5) No constituent council can be required to—

- (a) vary its contribution to the expenditure mentioned in paragraph (1) as determined by the apportionment made in accordance with paragraph (2); or
- (b) vary the total amount of expenditure set out in paragraph (4),

unless there is unanimous agreement by the members of the GMCA appointed by the constituent councils, or substitute members acting in place of those members.

⁽¹¹⁾ 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).

PART 5

Amendment of the Greater Manchester Combined Authority Order 2011 and consequential provision

Amendment of the Greater Manchester Combined Authority Order 2011

- 11.**—(1) Schedule 1 (constitution) to the 2011 Order is amended as follows.
- (2) In paragraph 3(1) (proceedings), for “and (4B)” substitute “, (4B) and (4C)”.
- (3) For paragraph 3(2B) (proceedings), substitute—
- “(2B) Questions relating to expenditure in respect of the following matters require at least 7 votes in favour by members, or substitute members acting in place of those members, appointed by the constituent councils to be carried—
- (a) amounts payable under the arrangements made under article 14(4)(a) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016;
- (b) amounts payable under the arrangements made under article 12(4)(a) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017.”.
- (4) After sub-paragraph (4B), insert—
- “(4C) In order to be carried questions relating to functions exercised pursuant to section 93(1) of the Transport Act 1985 (travel concession schemes) require a vote in favour—
- (a) by at least 8 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA; and
- (b) by the Mayor (or the deputy Mayor acting in place of the Mayor).”.

Consequential provision

12. The Advanced Quality Partnership Schemes (England) Regulations 2018(**12**) have effect in relation to the GMCA as if any reference to an authority were a reference to a local transport authority within the meaning of section 108(4) of the 2000 Act, or to the Mayor in respect of the functions specified in articles 4 and 5.

13. The Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017(**13**) have effect in relation to the GMCA in respect of the functions specified in articles 4 and 5 as if any reference to a local transport authority included a reference to the Mayor.

(12) S.I. 2018/21.

(13) S.I. 2017/1091.

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

Date

Name
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government