

## SCHEDULE 1

Article 9

### Modification of provisions of the Apprenticeships, Skills, Children and Learning Act 2009 in their application to the Combined Authority

1. All references to provisions in this Schedule are to provisions in the Apprenticeships, Skills, Children and Learning Act 2009.
2. Section 86 has effect as if—
  - (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
  - (b) subsection (1)(b) were omitted but not “and” at the end;
  - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
  - (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
  - (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
  - (f) in subsection (7), the words “or (b)” were omitted.
3. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
4. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
5. Section 90 has effect as if—
  - (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
  - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
  - (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.
6. Section 100 has effect as if—
  - (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
  - (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
  - (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
7. Section 101(1) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
8. Section 103(2) has effect as if—
  - (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (b) the words “or (1A)” were omitted.

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(1) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(2) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.

- 9.** Section 115(3) has effect as if—
- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
  - (b) in subsection (2)(a), the word “, and” were omitted; and
  - (c) in subsection (2), paragraph (b) were omitted.
- 10.** Section 121(4) has effect as if—
- (a) in subsection (1), there were added at the appropriate place—
 

“Combined Authority” means the West Yorkshire Combined Authority, a body corporate established under the West Yorkshire Combined Authority Order 2014;”;
  - (b) in subsection (2)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
    - (ii) in paragraph (a), the words “or (b)” were omitted; and
  - (c) in subsection (3)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
    - (ii) paragraphs (a) and (aa) were omitted.

## SCHEDULE 2

Article 13

### PART 1

#### Modification of the application of Chapter 2 of Part 1 of the 2008 Act

**1.—(1)** Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land) and 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

(4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—

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(3) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).

(4) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

““Combined Authority” means the West Yorkshire Combined Authority, a body corporate established under the West Yorkshire Combined Authority Order 2014;”.

## PART 2

### Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 10 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021”;

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA there were substituted a reference to the West Yorkshire Combined Authority.

## SCHEDULE 3

Article 15

### Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority established by the West Yorkshire Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means the Peak District National Park<sup>(5)</sup>; and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the Area”;

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(5) Column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015 (S.I. 2015/770) lists the National Parks.

- (b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;
  - (c) in subsection (3)(d)—
    - (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
  - (d) in subsection (3)(e)—
    - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
  - (e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
  - (f) in subsection (4)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council whose local government area”;
    - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park,”;
    - (v) paragraphs (f) and (g) were omitted;
  - (g) in subsection (5)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
    - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
    - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
    - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
  - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
  - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
  - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.

(6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—

- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”; and
- (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.

(7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—

- (a) in subsection (3)—
  - (i) in paragraph (a), for “a London borough council” there were substituted “a district council wholly or partly in the Area”;
  - (ii) paragraph (b) were omitted;
  - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted “in the Area”;
  - (iv) paragraph (k) were omitted;
- (b) in subsection (4) paragraph (b) were omitted; and
- (c) in subsection (10), the definitions of “functional body” and “public authority” were omitted.

(8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.

(9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—

- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
- (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
- (c) in the definition of “affected local authority” for “(d), (e), (f) or (g)” there were substituted “(d) or (e)”.

(10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—

- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
- (b) in subsections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.

(11) Section 207 of the 2011 Act (acquisition of land) has effect as if—

- (a) in subsection (2) for “in Greater London” there were substituted “in the Area”; and
- (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.

(12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—

- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
- (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council wholly or partly in the Area”; and

- (c) in subsection (4) the definition of “affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
  - (a) in subsection (2) “, (e)” were omitted; and
  - (b) in subsection (4)—
    - (i) the definition of “functional body” were omitted; and
    - (ii) in the definition of “permitted recipient”—
      - (aa) paragraph (b) were omitted,
      - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council wholly or partly within the Area”, and
      - (cc) paragraph (e) were omitted.
- (14) Schedule 21 to the 2011 Act (Mayoral development corporations) has effect as if—
  - (a) for each reference to—
    - (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
    - (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
  - (b) for each reference to “an MDC” there were substituted “the Corporation”;
  - (c) in paragraph 1(1)—
    - (i) for “A Mayoral development corporation (“MDC”)” there were substituted “A Corporation”;
    - (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
  - (d) in paragraph 1(2) for “each relevant London council” there were substituted “each relevant district council”;
  - (e) in paragraph 1(3)—
    - (i) sub-paragraph (a) were omitted; and
    - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council”;
  - (f) in paragraph 1(5), for “an MDC” there were substituted “A Corporation” and for “MDC’s” there were substituted “Corporation’s”;
  - (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
  - (h) in paragraph 3—
    - (i) for “an MDC” there were substituted “a Corporation”;
    - (ii) for “An MDC’s” in each place in which it occurs there were substituted “A Corporation’s”;
    - (iii) for “the MDC’s” there were substituted “the Corporation’s”;
  - (i) in paragraph 4(4) for “the London Assembly” there were substituted “the Combined Authority”;
  - (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
  - (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

## SCHEDULE 4

Article 23

Permit schemes: modification of the application of Part 3 of the Traffic Management Act 2004

1.—(1) Part 3 of the Traffic Management Act 2004 is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority shall not have effect in the combined area unless the Combined Authority gives effect to it by order.”; and

- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may by order vary or revoke a permit scheme to the extent that it has effect in the combined area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”.

## SCHEDULE 5

Article 35(2)

Modifications of police and crime commissioner enactments in their application to the Mayor

### PART 1

#### Primary legislation

##### **Police (Property) Act 1897**

1.—(1) The Police (Property) Act 1897(6) is modified as follows.

(2) In section 2(2A), for the last reference to “relevant body” substitute “Combined Authority”.

##### **Trustee Investments Act 1961**

2.—(1) The Trustee Investments Act 1961(7) is modified as follows.

(2) In paragraph 9 of Part 2 of Schedule 1, for “similar officer of the authority” substitute “similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

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(6) 1897 c. 30. Section 2(2A) was inserted by section 1(2) and (3) of the Police (Property) Act 1997 (c. 30).

(7) 1961 c. 62.

### **Pensions (Increase) Act 1971**

3.—(1) The Pensions (Increase) Act 1971(8) is modified as follows.

(2) In paragraph 51(aa) of Schedule 2, for “a police and crime commissioner” substitute “the police and crime commissioner for West Yorkshire or of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Local Government (Miscellaneous Provisions) Act 1976**

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(9) is modified as follows.

(2) In section 29(1)(10), for “or transferred to the authority”, substitute “to the Mayor, or transferred to the Combined Authority in relation to the Mayor’s PCC functions”.

(3) In section 30(3)(a)(11), for “maintained by a local authority”, substitute “maintained by the Mayor of the Combined Authority”.

(4) In section 44(1), in paragraph (a)(12) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

### **Local Government, Planning and Land Act 1980**

5.—(1) The Local Government, Planning and Land Act 1980(13) is modified as follows.

(2) In section 99—

(a) after subsection (2), insert—

“(2A) Where a notice under subsection (1) is received by the Combined Authority and it relates to land used wholly or partly in relation to the Mayor’s PCC functions, the Mayor is to make any representations (referred to in subsection (2)) on behalf of the Combined Authority to the Secretary of State.”;

(b) in subsection (4)—

(i) in paragraph (dbzb) after “that Act”, insert “or (as the case may be) the Mayor”(14);

(ii) omit paragraph (dc)(15).

### **Dartford-Thurrock Crossing Act 1988**

6.—(1) The Dartford-Thurrock Crossing Act 1988(16) is modified as follows.

(2) In section 19(a)(i), for “a local policing body” substitute “the Combined Authority for use in relation to the exercise of the Mayor’s PCC functions”.

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(8) 1971 c. 56. Paragraph 51(aa) was inserted by section 99 of, and paragraph 97 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(9) 1976 c. 57.

(10) Section 29(1) was amended by section 190 of, and paragraph 14 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).

(11) Section 30(3)(a) was inserted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act (c. 13).

(12) Section 44(1) was amended by section 119 of, and paragraph 43(a) of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20); and section 99 of, and paragraph 127 of Schedule 16, to the Police Reform and Social Responsibility Act 2011; there are other amendments to this section, but none is relevant.

(13) 1980 c. 65.

(14) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(15) Section 99(4)(dc) was substituted by section 99 of, and paragraph 141 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(16) 1988 c. 20; section 19(a)(i) was substituted by section 99 of, and paragraph 177 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19(a) that are not relevant to this Order.



## Local Government Finance Act 1988

- 7.—(1) The Local Government Finance Act 1988(17) is modified as follows.
- (2) In section 114(18) —
- (a) for subsection (4)(b)(i) substitute—
- “(i) a report relating to the Mayor’s PCC functions, each member of the Combined Authority (including the Mayor) and each member of the police and crime panel for the Mayor’s area;”;
- (b) in subsection (8A)(b)(19), for “relevant authority”, substitute “Mayor”.
- (3) In section 115—
- (a) in subsection (1B)(20) for “of an elected local policing body, that body”, substitute “of the Combined Authority in relation to the Mayor’s PCC functions, the Mayor (“the body”)”;
- (b) in subsection (1F)(b), for “elected local policing body’s” substitute “Combined Authority’s”;
- (c) in subsection (2)(21), for “any authority other than an elected local policing body”, substitute “any report other than one relating to the Mayor’s PCC functions”.
- (4) For section 116(2B)(22), substitute—
- “(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

## Road Traffic Act 1988

- 8.—(1) The Road Traffic Act 1988(23) is modified as follows.
- (2) In section 144(2)(b)—
- (a) for “a local policing body” substitute “the Combined Authority for use in relation to the Mayor’s PCC functions”;
- (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions”.

## Local Government and Housing Act 1989

- 9.—(1) The Local Government and Housing Act 1989(24) is modified as follows.
- (2) In section 1—

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(17) 1988 c. 41.

(18) Section 114(4)(b) was inserted by section 99 of, and paragraph 188(5) and of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(19) Subsection (8A)(b) was inserted by section 99 of, and paragraph 188(6) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(20) Subsections (1B) to (1F) were inserted by section 99 of, and paragraph 189(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(21) Subsection (2) was amended by section 99 of, and paragraph 189(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(22) Subsection (2B) was amended by section 99 of, and paragraph 190(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(23) 1988 c. 52; section 144(2)(b) was amended by section 99 of, and paragraph 197(3)(a) and (b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments the section, but none is relevant.

(24) 1989 c. 42.

- (a) in subsection (9)(**25**), for “an elected local policing body” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (10)(**26**), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions does not include the deputy mayor for policing and crime”.
- (3) In section 4—
- (a) omit subsections (1) and (1A)(**27**);
  - (b) for subsection (4)(**28**) substitute—
    - “(4) It shall be the duty of the head of the Combined Authority’s paid service, as soon as practicable after he has prepared a report relating to the Mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority (including the Mayor) and to the police and crime panel.”;
  - (c) in subsection (5)(**29**), omit “(other than an elected local policing body)”;
  - (d) in subsection (5A)(**30**), for “by the head of the body’s paid service” substitute “that relates to the Mayor’s PCC functions”.
- (4) In section 5—
- (a) omit subsection (1C)(**31**);
  - (b) for subsection (3)(b)(a)(**32**), substitute—
    - “(a) in the case of a report relating to the Mayor’s PCC functions, to the members of the Combined Authority (including the Mayor) and to the police and crime panel; and”;
  - (c) in subsection (5)—
    - (i) for “a relevant authority” substitute “the Mayor”;
    - (ii) in paragraph (a)(**33**) —
      - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
      - (bb) omit sub-paragraph (ii);
  - (d) in subsection (8)(**34**), in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa)(**35**).

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- (25) Subsection (9) was inserted by section 99 of, and paragraph 200 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and was amended by section 123 of the Policing and Crime Act 2017 (c. 3).
  - (26) Subsection (10) was inserted by section 123 of the Policing and Crime Act 2017
  - (27) Subsection (1A) was inserted by section 99 of, and paragraph 201(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (28) Subsection (4) was inserted by section 99 of, and paragraph 201(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (29) Subsection (5) was inserted by section 99 of, and paragraph 201(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (30) Subsection (5A) was inserted by section 99 of, and paragraph 201(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (31) Subsection (1C) was inserted by section 99 of, and paragraph 202(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (32) Subsection (3)(b)(a) was inserted by section 99 of, and paragraph 202(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (33) Subsection (5)(a) was inserted by section 99 of, and paragraph 202(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (34) Subsection (8) was amended by section 99 of, and paragraph 202(6)(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.
  - (35) Section 7(1)(aa) was inserted by section 99 of, and paragraph 203(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(6) Omit section 13(5ZA)(36).

## Police Act 1996

**10.**—(1) The Police Act 1996(37) is modified as follows.

(2) In section 22A(9)(a)(38), for “that body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

(3) In section 41(39) —

- (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
- (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “determination by the Mayor of the final amount of the PCC component”.

(4) In section 53E(40) —

- (a) in subsection (1)(a), for “a local policing body” substitute “the Combined Authority and are deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) in subsection (1)(b), for “the body” substitute “the Combined Authority”.

(5) In section 88(41) —

- (a) in subsection (5A)(42), for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) in subsection (6)(a)(43), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

(6) In section 92(1)(44), for “parish or community” substitute “parish, community, or Combined Authority”.

(7) In section 96(1B)(45), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the Mayor”.

## Police Reform Act 2002

**11.**—(1) The Police Reform Act 2002(46) is modified as follows.

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(36) Section 13(5ZA) was inserted by section 7 of the Policing and Crime Act 2017 (c. 3).

(37) 1996 c.16.

(38) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).

(39) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48); section 22 of the Police Reform and Social Responsibility Act 2011; and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).

(40) Section 53E was inserted by section 125 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(41) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50); sections 102(1) and (4) and 103(1) of the Police Reform Act 2002; paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17, to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; by S.I. 2012/1809, and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(42) Subsection (5A) was inserted by section 59 of, and paragraph 80(3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); and amended by section 99 of, and paragraph 42(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(43) Subsection (6)(a) was amended by section 99 of, and paragraph 42(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(44) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011. There are other amendments, but none is relevant.

(45) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.

(46) 2002 c. 30.

(2) In section 40(7)(d)(47), for “local policing body” substitute “Combined Authority and who are deployed wholly or partly in relation to the Mayor’s PCC functions”.

(3) In section 42(7)(48) —

- (a) for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “Combined Authority”;
- (c) for “or body” substitute “or Combined Authority”.

### **Proceeds of Crime Act 2002**

12.—(1) The Proceeds of Crime Act 2002(49) is modified as follows.

(2) For section 55(8)(aa) substitute—

“(aa) a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions;”.

### **Local Government Act 2003**

13.—(1) The Local Government Act 2003(50) is modified as follows.

(2) In section 7—

- (a) in subsection (1)(a), for “its part”, substitute “the part of the Combined Authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the Combined Authority”.

### **Railways and Transport Safety Act 2003**

14.—(1) The Railways and Transport Safety Act 2003(51) is modified as follows.

(2) For paragraph 7(2)(c) of Schedule 4, substitute—

“(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions;”.

### **Local Government and Public Involvement in Health Act 2007**

15.—(1) The Local Government and Public Involvement in Health Act 2007(52) is modified as follows.

(2) For section 15(1)(a), substitute—

“(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

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(47) Section 40(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(48) Section 42(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(49) 2002 c. 29; paragraph (aa) was inserted by section 99 of, and paragraph 305 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(50) 2003 c. 26.

(51) 2003 c. 20; paragraph 7(2)(c) was inserted by section 99 of, and paragraph 328 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(52) 2007 c. 28; section 15(1)(a) was amended by section 74 of, and paragraph 14(2)(a) of Schedule 10 to, the Police Reform and Social Responsibility Act 2011.

## Local Democracy, Economic Development and Construction Act 2009

16.—(1) The 2009 Act is modified as follows.

(2) In paragraph 9(1)(a) of Schedule 5B(53), for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

## Police Reform and Social Responsibility Act 2011

17. The Police Reform and Social Responsibility Act 2011 is modified as follows.

18. In section 5(54)—

- (a) in subsection (1), for “ordinary election” substitute “election for the return of a Mayor”;
- (b) in subsection (13)—
  - (i) in the definition of “financial year”, for “year of the police and crime commissioner” substitute “year of the Combined Authority”;
  - (ii) omit the definition of “ordinary election”.

19. In section 7(7)(55)—

- (a) in the definition of “financial year”, for “year of the elected local policing body” substitute “year of the Combined Authority”;
- (b) omit the definition of “ordinary election”;
- (c) in the definition of “planning period” for “ordinary election” substitute “election for the return of a Mayor”;
- (d) in the definition of “qualifying day” for “ordinary election” substitute “election for the return of a Mayor”.

20. In section 16—

- (a) for subsection (1), substitute—

“(1) This section applies where the Mayor is required or authorised by any Act—

  - (a) to appoint a person to a specified post in the Combined Authority; or
  - (b) to designate a person as having specified duties or responsibilities,

in connection with the exercise of the Mayor’s PCC functions.”;
- (b) in subsection (2), for “the body” substitute “the Combined Authority”.

21. In section 18(56) —

- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (b) in subsection (6)—
  - (i) after paragraph (d), insert—

“(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009(57);”;

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(53) 2009 c. 20; paragraph 9(1) of Schedule 5B was inserted by section 2 of, and paragraph 1 of Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1).

(54) There are amendments to section 5, none of which are relevant to this Order.

(55) Section 7 was amended by section 181 of, and paragraph 97 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(56) Section 18 was amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(57) 2009. c. 20. Section 107C was inserted by section 3 of the Cities and Local Government Devolution Act 2016 (c.1).

- (ii) after paragraph (h), insert—
  - “(i) the Combined Authority.”;
- (c) in subsection (7)—
  - (i) for paragraph (f), substitute—
    - “(f) calculating the PCC component council tax requirement.”;
  - (ii) omit paragraphs (g) and (h)(58);
- (d) for subsection (10), substitute—
  - “(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.
- 22. In section 21, after subsection (3) insert—
  - “(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to, the exercise of the Mayor’s PCC functions.”.
- 23. In section 28—
  - (a) omit subsections (1A) and (1B)(59);
  - (b) in subsection (6)(a), after “police and crime commissioner” insert, “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18”.
- 24. In section 29—
  - (a) for subsection (1), substitute—
    - “(1) A police and crime panel may require—
      - (a) the Mayor;
      - (b) the deputy mayor for policing and crime;
      - (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions; and
      - (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,
 to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;
  - (b) for subsection (2), substitute—
    - “(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—
      - (a) the Mayor in relation to the Mayor’s PCC functions;
      - (b) the deputy mayor for policing and crime; or
      - (c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;
  - (c) for subsection (5), substitute—
    - “(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;

(58) Paragraphs (7)(g) and (h) were added by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(59) Subsections (1A) and (1B) were added by section 6 of, and paragraph 89 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).

- (d) in subsection (6), after “commissioner” insert “or the deputy mayor for policing and crime”.
- 25.** In section 30—
- (a) in subsection (1), for “relevant police and crime commissioner” substitute “Mayor so far as acting in the exercise of PCC functions”;
- (b) for subsection (3), substitute—
- “(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Mayor is to be treated as holding that office during that suspension.”.
- 26.** In section 31(3), for paragraphs (b) to (d) substitute—
- “(b) deputy mayor for policing and crime.”.
- 27.** In section 62—
- (a) for subsection (1), substitute—
- “(1) The police and crime panel must appoint a person to exercise the Mayor’s PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;
- (b) in subsection (2), for “member of the police and crime commissioner’s staff” substitute “member of the staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or the deputy mayor for policing and crime”;
- (c) after subsection (2), insert—
- “(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
- (d) omit subsection (3);
- (e) for subsection (5), substitute—
- “(5) Any property or rights vested in the Combined Authority in relation to the Mayor’s PCC functions can be dealt with by the acting commissioner.”;
- (f) omit subsection (6)(c);
- (g) in subsection (7)—
- (i) omit “incapacitated or”;
- (ii) omit “(c) or”;
- (h) omit subsection (8).
- 28.** For section 63(1) and (2), substitute—
- “(1) Subsection (2) applies where—
- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
- (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting Mayor was appointed.
- (2) At the end of that 6 month period—
- (a) the Mayor ceases to be the Mayor, and
- (b) accordingly, the office of Mayor becomes vacant.”.

**29.** For section 64(3) to (4A)(60), substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(61) if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

**30.** In section 65(62)—

- (a) in subsection (1)(e), insert after paragraph (ii)—

“(iii) the Combined Authority;”;

- (b) for subsection (1A)(63), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—

- (a) from being elected as Mayor at an election held under the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021;
- (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(64) to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

**31.** In section 70—

- (a) for subsection (1), substitute—

“(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;

- (b) omit subsection (2);

- (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;

- (d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989; “specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as West Yorkshire Mayor.

(60) Subsections (3A) and (4A) were inserted into section 64 by article 10 of the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470).

(61) S.I. 2017/69.

(62) Section 65(1) was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(63) Subsection (1A) was inserted by section 123 of the Policing and Crime Act 2017 (c. 3).

(64) S.I. 2017/69.



In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of West Yorkshire.

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”;

(e) omit subsection (7).

**32.** In Schedule 1—

(a) for paragraph 1, substitute—

“**1.** This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;

(b) for paragraph 4, substitute—

“**4.**—(1) The Mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

(a) pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

(c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;

(d) in paragraph 8(**65**)—

(i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(ii) for sub-paragraphs (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;

(e) for paragraph 9(1), substitute—

“(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of a Mayor”;

(g) for paragraph 13, substitute—

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(65) Paragraph 8 was amended by section 122(2) and (3) of the Policing and Crime Act 2017 (c. 3).

- “13.—(1) The Mayor may pay —
- (a) remuneration, allowances and gratuities to members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and
  - (b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.
- (2) The Mayor may pay—
- (a) pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and
  - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.
- (3) In this paragraph “allowances” —
- (a) in relation to a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and
  - (b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;
- (h) for paragraph 15(2), substitute—
- “(2) A person who is—
- (a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions; or
  - (b) a member of the Combined Authority exercising the Mayor’s PCC functions, has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor’s PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;
- (i) for paragraph 16, substitute—
- “16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.
- 33.** In Schedule 5—
- (a) in paragraph 1—
    - (i) for sub-paragraph (1), substitute—

“(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;
    - (ii) for sub-paragraph (3), substitute—

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
  - (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;

- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
  - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;
  - (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
- (g) in paragraph 8—
  - (i) in sub-paragraph (1), for “the issuing of precepts” substitute “determining the amount of the PCC component”;
  - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

**34.** In Schedule 6(66)—

- (a) for paragraph 21, substitute—

“**21.** The Mayor, a member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “Combined Authority”;
- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;
- (d) in paragraph 34, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

**35.** In Schedule 7—

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority)”;
- (b) for paragraph 4, substitute—

“**4.—**(1) This paragraph applies in relation to qualifying complaints which—

  - (a) relate to a holder of the office of—
    - (i) Mayor; or
    - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority, and
  - (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

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(66) There are amendments to Schedule 6, none of which is relevant to this instrument.

(2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

**36.** In Schedule 8—

(a) for paragraph 4(10), substitute—

“(10) For that purpose, “relevant post-election period” means the period that—

- (a) begins with the day of the poll at an election for the return of the Mayor; and
- (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;

(b) for paragraph 15(8), substitute—

“(8) For that purpose, “relevant post-election period” means the period that—

- (a) begins with the day of the poll at an election for the return of the Mayor; and
- (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

**Local Audit and Accountability Act 2014**

**37.**—(1) The Local Audit and Accountability Act 2014(**67**) is modified as follows.

(2) In Schedule 4—

(a) for paragraph 2(4)(a), substitute—

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the “relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;

(b) for paragraph 2(5), substitute—

“(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

## PART 2

### Secondary legislation

**Motor Vehicles (Third Party Risks) Regulations 1972**

**38.**—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(**68**) are modified as follows.

(2) For regulation 7(3), substitute—

“(3) In the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor’s PCC functions, a certificate in Form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor’s PCC functions.”.

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(67) 2014 c. 2.

(68) S.I. 1972/1217; regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.

### **Official Secrets Act 1989 (Prescription) Order 1990**

**39.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990(**69**) is modified as follows.

(2) In Schedule 2, for “a Deputy police and crime commissioner”, substitute “a deputy mayor for policing and crime”.

### **Police (Disposal of Sound Equipment) Regulations 1995**

**40.**—(1) The Police (Disposal of Sound Equipment) Regulations 1995(**70**) are modified as follows.

(2) In regulation 4(4), for “local policing body” substitute “Combined Authority”.

### **Police (Property) Regulations 1997**

**41.**—(1) The Police (Property) Regulations 1997(**71**) are modified as follows.

(2) In regulation 6(6), for “relevant authority” substitute “Combined Authority”.

(3) In regulation 7(1), for “vest in them” substitute “vest in the Combined Authority”.

### **Health and Safety (Enforcing Authority) Regulations 1998**

**42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(**72**) are modified as follows.

(2) In regulation 4(3)(d), for “a local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

### **Motor Vehicles (Driving Licences) Regulations 1999**

**43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**73**) are modified as follows.

(2) In regulation 23(1)(c)(ii)(**74**), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(3) In regulation 24(1)(d)(ii)(**75**), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(4) In regulation 58(2)(c)(ii)(**76**), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

**44.**—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**77**) is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1, substitute—

“**2.** The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor’s PCC functions.”.

(69) [S.I. 1990/200](#); amended by [S.I. 2012/2900](#). There are other amending instruments, but none is relevant.

(70) [S.I. 1995/722](#); regulation 4 was amended by [S.I. 2000/1549](#) and [S.I. 2011/3058](#).

(71) [S.I. 1997/1908](#); regulations 6 and 7 were amended by [S.I. 2002/2313](#) and [S.I. 2013/2318](#).

(72) [S.I. 1998/494](#); regulation 4(3)(d) was amended by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

(73) [S.I. 1999/2864](#).

(74) Regulation 23(1)(c) was substituted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

(75) Regulation 24(1)(d) was inserted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

(76) Regulation 58(2)(c)(ii) was substituted by [S.I. 2011/3058](#).

(77) [S.I. 1999/2277](#); paragraph 2 of Section 6 of Schedule 1 was substituted by [S.I. 2012/2733](#).

### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

**45.**—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(**78**) are modified as follows.

(2) In regulation 3(2), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

**46.**—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(**79**) are modified as follows.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police Regulations 2003**

**47.**—(1) The Police Regulations 2003(**80**) are modified as follows.

(2) In regulation 7(7)(a), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

(3) In regulation 24(1)(b), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Docking of Working Dogs’ Tails (England) Regulations 2007**

**48.**—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(**81**) are modified as follows.

(2) In regulation 2, for the definition of “police identification” substitute—

““police identification” means evidence that the person presenting the identification is—

- (a) a police officer;
- (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor’s PCC functions;
- (c) contracted to work for the Mayor in relation to the Mayor’s PCC functions; or
- (d) contracted to work for, or otherwise employed by, the chief officer of police;”.

### **REACH Enforcement Regulations 2008**

**49.**—(1) The REACH Enforcement Regulations 2008(**82**) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

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(78) S.I. 2001/3343; regulation 3 was amended by S.I. 2011/3058.

(79) S.I. 2001/2645; regulation 2(1)(b) was amended by S.I. 2012/61.

(80) S.I. 2003/527; regulation 24(1)(b) was amended by S.I. 2011/3026.

(81) S.I. 2007/1120; regulation 2 was amended by S.I. 2012/61.

(82) S.I. 2008/2852; paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058. There are other amendments but none is relevant.

## Elected Local Policing Bodies (Specified Information) Order 2011

**50.**—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(**83**) is modified as follows.

(2) In article 1(2)—

(a) for the definition of “election” substitute—

““election” means an election for the return of a Mayor;”;

(b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions and whose salary exceeds £50,000;”;

and

(d) for the definition of “staff”, substitute—

““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions but does not include the deputy mayor for policing and crime.”.

(3) In the Schedule—

(a) in paragraph 2—

(i) omit the first reference to “of the elected local policing body”;

(ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;

(b) in paragraph 3(**84**) —

(i) for sub-paragraph (b), substitute—

“(b) the PCC component;”;

(ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;

(c) in paragraph 4(**85**) —

(i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor’s PCC functions”;

(ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor’s PCC functions, or occupied for the purpose of”;

(iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;

(iv) for sub-paragraph (d), substitute—

“(d) a list of every contract with a value not exceeding £5,000 —

(i) which the Mayor has entered into, or is to enter into, on behalf of the Combined Authority in relation to the Mayor’s PCC functions; or

(ii) to which the chief officer of the police force maintained by the Mayor is, or is to be, a party,

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**(83)** [S.I. 2011/3050](#).

**(84)** Paragraph 3 of the Schedule was amended by [S.I. 2012/2479](#) and by [S.I. 2013/1816](#).

**(85)** Paragraph 4 of the Schedule was amended by [S.I. 2012/2479](#).

including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”.

### **Policing Protocol Order 2011**

**51.**—(1) The Policing Protocol Order 2011(**86**) is modified as follows.

(2) In the Schedule—

- (a) in paragraph 5, for “each PCC” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

**13A.** The staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;

- (c) in paragraph 16, for “precept” substitute “PCC component”;
- (d) in paragraph 17(d), for “precept” substitute “PCC component”;
- (e) in paragraph 24—
  - (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
  - (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
  - (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

### **Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**52.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(**87**) are modified as follows.

(2) In regulation 2—

- (a) after the definition of “document”, insert—
  - ““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989(**88**)”;
- (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (c) in the definition of “relevant office”, for paragraph (b) substitute—

(86) S.I. 2011/2744.

(87) S.I. 2012/62, to which there are amendments not relevant to this Order.

(88) 1989 c. 42.



- “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7—
- (a) for paragraph (1)(a), substitute—
- “(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
- (b) in paragraph (2), omit “a chief executive or”;
- (c) for paragraph (3), substitute—
- “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.
- (4) In regulation 15(3)(a), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”.
- (5) In regulation 28(1)—
- (a) omit paragraph (a);
- (b) for paragraph (b), substitute—
- “(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded;”.
- (6) For regulation 29, substitute—

**“Resolution in accordance with the Combined Authority’s code of conduct**

- 29.**—(1) If a complaint to which this Part applies concerns the conduct of—
- (a) the Mayor; or
- (b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded,
- the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).
- (2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011<sup>(89)</sup>.
- (3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

**Police Appeals Tribunals Rules 2012**

- 53.**—(1) The Police Appeals Tribunals Rules 2012<sup>(90)</sup> are modified as follows.
- (2) In rule 15(4) for “relevant local policing body” substitute “Combined authority”.

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<sup>(89)</sup> 2011 c. 20.

<sup>(90)</sup> S.I. 2012/2630 subject to revocation and saving by the Police Appeals Tribunals Rules 2020 (S.I. 2020/1).

## **Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**54.**—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012<sup>(91)</sup> are modified as follows.

- (2) In regulation 3(2)—
  - (a) in sub-paragraph (c), omit “or”;
  - (b) in sub-paragraph (d), after “(c)” insert “, or”;
  - (c) after sub-paragraph (d) insert—
    - “(e) the Combined Authority.”.

## **Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012**

**55.**—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012<sup>(92)</sup> are modified as follows.

- (2) In regulation 4(2), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.
- (3) In regulation 5(2), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.
- (4) In regulation 6(2)—
  - (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
  - (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.
- (5) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”.
- (6) In regulation 8—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;
    - (ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”;
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;
    - (ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”.

## **Local Government Pension Scheme Regulations 2013**

**56.**—(1) The Local Government Pension Scheme Regulations 2013<sup>(93)</sup> are modified as follows.

- (2) After regulation 64(8), insert—
  - “(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner’s current and former employees (or those of any predecessor authority) have

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<sup>(91)</sup> [S.I. 2012/2087](#).

<sup>(92)</sup> [S.I. 2012/2271](#).

<sup>(93)</sup> [S.I. 2013/2356](#), to which there are amendments not relevant to this Order.

been or are to be transferred to the Combined Authority by virtue of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

#### **Local Audit (Auditor Resignation and Removal) Regulations 2014**

**57.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(**94**) are modified as follows.

(2) In regulation 2—

- (a) in paragraph (3), for “police and crime commissioner” substitute “Combined Authority”;
- (b) in paragraph (4), for “a police and crime commissioner” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

#### **Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

**58.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(**95**) is modified as follows.

(2) In article 4(d)—

- (a) omit “or” at the end of paragraph (ii);
- (b) insert “or” at the end of paragraph (iii);
- (c) after paragraph (iii), insert—
  - “(iv) the mayor ceasing to hold office by virtue of section 63 of the Police Reform and Social Responsibility Act 2011;”.

#### **Police Appeals Tribunals Rules 2020**

**59.**—(1) The Police Appeals Tribunals Rules 2020(**96**) are modified as follows.

(2) In rule 19(4)(c) and (d) for “relevant local policing body” substitute “Combined Authority”.

### SCHEDULE 6

Article 35(3)

#### Exclusion of legislation from application to the Combined Authority Mayor with policing and crime functions

#### **Primary legislation**

1. Section 28 of the Leasehold Reform Act 1967(**97**).
2. The following provisions of the Local Government Act 1972(**98**) —

(94) [S.I. 2014/1710](#), to which there are amendments not relevant to this Order.

(95) [S.I. 2017/69](#).

(96) [S.I. 2020/1](#).

(97) [1967 c. 88](#). Section 28(5)(a) was amended by section 99 of, and paragraph 85 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 ([c. 13](#)). There are other amending Acts but none is relevant.

(98) [1972 c. 70](#). Section 102(6) to (11) and paragraphs 6ZA and the quoted words in paragraph 6B of Schedule 12 were inserted by section 7 of the Policing and Crime Act 2017 ([c. 3](#)). Section 223 was amended by paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and by section 99 of, and paragraph 109 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amending Acts but none is relevant.

- (a) section 102(6) to (11);
  - (b) section 223(2);
  - (c) paragraph 6ZA of Part 1 of Schedule 12.
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976**(99)**.
  4. Section 14(1)(caa) of the Rent Act 1977**(100)**.
  5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980**(101)**.
  6. Sections 33 and 41 of the Local Government (Miscellaneous Provisions) Act 1982**(102)**.
  7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983**(103)**.
  8. Section 60 of the County Courts Act 1984**(104)**.
  9. Sections 80(1), 157(1), 171(2) and 573(1) of, and paragraph 2(1) of Schedule 1, grounds 7 and 12 in Schedule 2, ground 5 in Schedule 3, paragraph 7(1) of Schedule 4 and paragraph 5(1)(b) of Schedule 5 to, the Housing Act 1985**(105)**.
  10. Section 38 of the Landlord and Tenant Act 1985**(106)**.
  11. Section 7 of the Local Government Act 1986**(107)**.
  12. Section 58 of the Landlord and Tenant Act 1987**(108)**.
  13. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988**(109)**.
  14. Sections 111, 113, 114 and 114A of the Local Government Finance Act 1988**(110)**.
  15. Section 39 of the Local Government Finance Act 1992**(111)**.
  16. Section 33 of the Value Added Tax Act 1994**(112)**.
  17. Section 94 of the Police Act 1996**(113)**.
  18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000**(114)**.

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**(99)** 1976 c. 80. Section 5(3)(baa) was inserted by section 43 of, and paragraph 52 of Schedule 4 to, the Police and Magistrates' Courts Act 1994 (c. 29), and was amended by section 99 of, and paragraph 134 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**(100)** 1977 c. 42. Section 14(1)(caa) was inserted by section 43 of, and paragraph 53 of Schedule 4 to, the Police and Magistrates' Courts Act 1994, and was amended by section 99 of, and paragraph 135 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**(101)** 1980 c. 65.

**(102)** 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34); section 119 of and paragraph 56(2)(a) of Schedule 6, to the Local Democracy, Economic Development and Construction Act 2009; and section 99 of, and paragraph 156 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 59 of, and paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments to section 33, but none is relevant.

**(103)** 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was substituted by section 8 of, and paragraph 6 of Schedule 1 to, the Representation of the People Act 2000 and amended by section 74 of, and paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.

**(104)** 1984 c. 28.

**(105)** 1985 c. 68.

**(106)** 1985 c. 70.

**(107)** 1986 c. 10.

**(108)** 1987 c. 31.

**(109)** 1988 c. 50.

**(110)** 1988 c. 41.

**(111)** 1992 c. 14.

**(112)** 1994 c. 23.

**(113)** 1996 c. 16.

**(114)** 2000 c. 36.

19. Sections 21 and 22 of the Local Government Act 2003(115).
20. The following provisions of the Fire and Rescue Services Act 2004(116)—
- (a) section 3(7) and (9);
  - (b) section 4A;
  - (c) Schedules A1 and A2.
21. The following provisions of the Police Reform and Social Responsibility Act 2011(117)—
- (a) section 1, subsections (1) to (4);
  - (b) sections 50 to 61(118);
  - (c) section 69;
  - (d) sections 71 to 75;
  - (e) section 102(3);
  - (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2) and (4), and 7;
  - (g) Schedule 6, paragraphs 33 to 35;
  - (h) Schedules 9 and 10.
22. Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014(119).
23. Sections 5(7)(a) and (9)(a) of, and paragraph 92 of Schedule 1 to, the Policing and Crime Act 2017(120).

### Secondary legislation

24. The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(121).
25. The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(122).
26. The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(123).
27. The Police and Crime Commissioner Elections Order 2012(124).
28. The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013(125)—
- (a) paragraph 6 in Part 1; and
  - (b) Part 4.
29. Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(126).
30. The Police and Crime Commissioner Elections Order 2015(127).

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(115)2003 c. 26.

(116)2004 c. 21.

(117)2011 c. 13.

(118) Section 42 was amended by section 140(5) and (6) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(119)2014 c. 2.

(120)2017 c. 3.

(121)S.I. 2012/2553.

(122)S.I. 2012/1918.

(123)S.I. 2012/2088.

(124)S.I. 2012/1917.

(125)S.I. 2013/2356.

(126)S.I. 2015/1376.

(127)S.I. 2015/665.

31. The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**128**).
32. The Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2015(**129**).
33. The Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2015(**130**).
34. The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016(**131**).
35. The Police and Crime Commissioner Elections (Amendment) Order 2016(**132**).
36. The Police and Crime Commissioner Elections (Returning Officers' Accounts) (Amendment) Regulations 2016(**133**).

## SCHEDULE 7

Article 44

### “SCHEDULE 1

#### Constitution

#### **Membership**

1.—(1) Subject to sub-paragraph (3), the Combined Authority shall comprise ten members in addition to the Mayor as provided for in the following sub-paragraphs.

(2) Each of the constituent councils shall appoint one of its elected members as a member of the Combined Authority.

(3) The constituent councils shall agree the appointment of another elected member from three of the constituent councils, so that the constituent council members taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils; in the absence of such agreement no members shall be appointed under this sub-paragraph.

(4) The non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(5) Each constituent council and the non-constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the members appointed under sub-paragraphs (2) to (4) (“the substitute member”).

(6) The substitute members for members appointed under sub-paragraph (3) must be appointed jointly by the constituent councils.

(7) The Leeds City Region Enterprise Partnership shall nominate one of its members to be a member of the Combined Authority (“Local Enterprise Partnership Member”).

(8) The Leeds City Region Enterprise Partnership shall nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (7) (“the substitute member”).

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(128) S.I. 2015/1526.

(129) S.I. 2015/2031.

(130) S.I. 2015/2028.

(131) S.I. 2016/514.

(132) S.I. 2016/300.

(133) S.I. 2016/488.

(9) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member and substitute member.

(10) A person ceases to be a member or substitute member of the Combined Authority if they cease to be—

- (a) a member of the constituent council or non-constituent council that appointed them; or
- (b) a member of the Local Enterprise Partnership that nominated them.

(11) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the council, Combined Authority or the chair or vice-chair of the Local Enterprise Partnership (as the case may be) of—

- (a) the constituent council or non-constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them,

and the resignation shall take effect on receipt of the notice by the proper officer of the council, Combined Authority or chair or vice-chair of the Local Enterprise Partnership (as the case may be).

(12) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (10) or (11)—

- (a) the constituent council or the non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person's place;
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place.

(13) The Combined Authority shall appoint a member nominated under sub-paragraph (12)(b) at the next ordinary meeting of the Combined Authority.

(14) A constituent council or the non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person's place.

(15) The appointment of the members and substitute members for members appointed under sub-paragraph (3) can only be terminated jointly by the constituent councils.

(16) Where a constituent council or the non-constituent council exercises its power under sub-paragraphs (14) and (15), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(17) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person's place.

(18) Where the Local Enterprise Partnership exercises its power under sub-paragraph (17), it shall give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(19) The Combined Authority shall appoint a member nominated under sub-paragraph (18) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(20) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

### **Chairman and vice-chairman**

2.—(1) For the period up until the Mayor begins their term of office in accordance with article 3(4) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021, the Combined Authority must appoint a chairman and a vice chairman from amongst its members.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

### **Proceedings**

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) For the period up until the Mayor begins their term of office in accordance with article 3(4)(a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 no business shall be transacted at a meeting of the Combined Authority unless at least three members, or substitute members acting in their place, appointed by the constituent councils are present.

(3) Upon the Mayor beginning their term of office in accordance with article 3(4)(a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021, no business shall be transacted at a meeting of the Combined Authority unless the Mayor or the deputy mayor acting in place of the Mayor and at least three members of the Combined Authority appointed by constituent councils under paragraph 1(2) or the substitute member acting in their place are present.

(4) Where the deputy mayor is acting in the place of the Mayor they cannot also act in their capacity as a member of the Combined Authority.

(5) The substitute member for the deputy mayor may act in the capacity of a member of the Combined Authority when the deputy mayor is acting in the place of the Mayor.

(6) Each member appointed by a constituent council, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(7) If a vote is tied on any matter it shall be deemed not to have been carried.

(8) Members appointed by the non-constituent council, the Local Enterprise Partnership Member and non-constituent council and Local Enterprise Partnership substitute members shall be non-voting members of the Combined Authority.

(9) Proposals for decisions by the Combined Authority may be put forward by the Mayor or any member of the Combined Authority.

(10) Questions relating to functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 and not solely exercisable by the Mayor pursuant to article 27 cannot be carried without the Mayor's vote in favour of the question.

(11) The following decisions of the Combined Authority require those voting in favour to include at least three members appointed under paragraph 1(2) or the substitutes acting in their place—

(a) approving the Combined Authority's budget; and

(b) issuing the levy pursuant to article 29(5) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021.

(12) Reference to a two thirds majority in article 8(4) of the Combined Authorities (Finance) Order 2017(**134**) is to be read as reference to a five eights majority.

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(134)S.I. 2017/611.



(13) Any decision of the Mayor which gives rise to a financial liability for a constituent council requires the consent of the member appointed by that constituent council or the substitute member acting in their place.

(14) The proceedings of the Combined Authority shall not be invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

### **Committees**

4.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee or, as the case may be, committees of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and the non-constituent council to an overview and scrutiny committee appointed by the Combined Authority.

(3) Members appointed from the non-constituent council to an overview and scrutiny committee of the Combined Authority, and members appointed from the non-constituent council or the Local Enterprise Partnership to any other committee or sub-committee of the Combined Authority, shall be non-voting members of the committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

### **Records**

5.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or subcommittee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee to be regarded as suitable, either the next following meeting or that other meeting.

### **Standing orders**

6. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

### **Remuneration**

7. Subject to paragraphs 8, 9 and 10 no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority.

**8.—**(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority regarding the allowances payable to—

- (a) the Mayor; and
  - (b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a constituent or non-constituent council or the Chair of the Local Enterprise Partnership.
- (2) An independent remuneration panel must consist of at least three members none of whom—
- (a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or
  - (b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

- 9.** The Combined Authority may only pay an allowance to the Mayor or the deputy mayor if—
- (a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 8(1) which contains recommendations for such an allowance; and
  - (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

**10.** The Combined Authority must consider a report from the independent remuneration panel before approving a scheme under paragraph 7.”