
DRAFT STATUTORY INSTRUMENTS

2024 No.

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024

PART 2

Amendment of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

Article 6 (reference of matters to overview and scrutiny committees)

7. In article 6 (reference of matters to overview and scrutiny committees)—
- (a) in paragraph (1)—
 - (i) in the opening words, after “authority” insert “or, as the case may be, combined county authority,”;
 - (ii) in sub-paragraph (c)—
 - (aa) after “member” insert “or substitute member”;
 - (bb) after “authority” insert “or, as the case may be, combined county authority,”;
 - (iii) after sub-paragraph (c) omit “and”;
 - (iv) for sub-paragraph (d) substitute—
 - “(d) any member of a constituent council, non-constituent council or principal council which can nominate a non-constituent member of the combined authority, or, as the case may be, of the combined county authority, to refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter; and
 - (e) any other principal council whose area is within the area of the combined county authority, but not a member of that council, to refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter, and is related to the area of that principal council.”;
 - (b) in paragraph (2)—
 - (i) after “authority” insert “or, as the case may be, combined county authority,”;
 - (ii) after “member” in the first place it occurs substitute “or substitute member”;
 - (iii) after “(d)” insert “or a council mentioned in paragraph (1)(e)”;
 - (iv) after “member” in the second place it occurs insert “, substitute member or council”;
 - (c) for paragraph (3) substitute—

“(3) Paragraphs (4) to (7) apply where a matter is referred to an overview and scrutiny committee by—

- (a) a member or substitute member of a combined authority or, as the case may be, a member or substitute member of a combined county authority,
- (b) a member of a constituent council,
- (c) a member of a non-constituent council,
- (d) a member of a principal council which can nominate a non-constituent member,
- (e) a principal council referred to in paragraph (1)(e),

in accordance with arrangements made by the combined authority or, as the case may be, the combined county authority, pursuant to paragraph (1)(c), (d) or (e).”;

(d) for paragraph (4) substitute—

“(4) In considering whether or not to exercise any of the powers under arrangements made in accordance with—

- (a) paragraph 1(2)(a) or (3)(a) of Schedule 5A to the 2009 Act in the case of a combined authority, or
- (b) paragraph 1(2)(a) or (3)(a) of Schedule 1 to the 2023 Act in the case of a combined county authority,

in relation to a matter referred to the committee, the committee must have regard to any representations made by the member, substitute member or council as to why it would be appropriate for the committee to exercise any of these powers in relation to the matter.”;

(e) in paragraph (5)—

- (i) for “paragraph 1(2)(a)” to “Act” substitute “the provisions specified in paragraph (4)”;
- (ii) after “member” insert “, substitute member or council”;

(f) in paragraph (6)—

- (i) after “member” in both places it occurs insert “, substitute member or council”;
- (ii) after “Act” insert “in the case of a combined authority, or under paragraph 1(2)(b) or (3)(b) of Schedule 1 to the 2023 Act in the case of a combined county authority,”.