



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Combined authorities and their areas

104 Constitution and functions: transport

- (1) The Secretary of State may by order make in relation to a combined authority any provision that may be made in relation to an Integrated Transport Authority (an “ITA”) under the following provisions of the Local Transport Act 2008 (c. 26)—
- (a) section 84 (constitutional arrangements);
 - (b) section 86 (delegation of functions of the Secretary of State);
 - (c) section 87 (delegation of local authority functions);
 - (d) section 88 (conferral of a power to direct).

- (2) Section 85 of that Act (provision about membership of an ITA) applies to—
- (a) an order under subsection (1)(a) of this section, and
 - (b) the combined authority to whom that order applies,
- as it applies to an order under section 84 of that Act and the ITA to whom that order applies.

[^{F1}(2A) But section 85 of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2B) and (2C).

- (2B) If the area of the combined authority includes the area of the whole of a county that comprises the areas of one or more district councils, the representative councils for the purposes of section 85(1)(c) of that Act (as applied to a combined authority) are either the county council or the council for each of the districts (as determined by or in accordance with the order).

Status: Point in time view as at 28/03/2016. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 104. (See end of Document for details)

- (2C) In relation to a mayoral combined authority, section 85(4) of that Act is not to be taken as preventing the mayor from being a voting member of the authority.
- (2D) An order under subsection (1)(c) may include provision for a function exercisable by a local authority in relation to an area all or part of which is comprised in the combined authority's area to be exercisable by the combined authority in relation to the combined authority's area.]
- (3) The following provisions of that Act apply in relation to a combined authority on whom functions of a kind described in section 88 of that Act are conferred as they apply in relation to an ITA on whom such functions are conferred—
- (a) section 88(10) (provisions about directions);
 - (b) section 89(2) and (3) (power to remedy contravention of direction).
- (4) Section 97 of that Act (change of name of ITA) applies to a combined authority as it applies to an ITA.
- (5) The Secretary of State may by order transfer functions of an ITA to a combined authority.
- (6) An order under subsection (5) may only be made in relation to functions exercisable by the ITA in relation to an area that becomes, or becomes part of, the combined authority's area by virtue of an order under this Part.
- (7) The Secretary of State may by order provide for any function that is conferred or imposed on a Passenger Transport Executive by any enactment (whenever passed or made) to be exercisable by a combined authority or the executive body of a combined authority in relation to the combined authority's area.
- (8) An order under subsection (7) may make provision for any function that—
- (a) is conferred or imposed on an ITA by any enactment (whenever passed or made), and
 - (b) relates to the functions of a Passenger Transport Executive,
- to be exercisable by a combined authority in relation to the combined authority's area.
- [^{F2}(9) Schedule 5A makes provision for combined authorities to have overview and scrutiny committees and audit committees; and provision made in an order under subsection (1) is subject to that Schedule.]
- [^{F3}(10) An order under this section may be made in relation to a combined authority only with the consent of—
- (a) the constituent councils, and
 - (b) in the case of an order in relation to an existing combined authority, the combined authority.
- (11) In subsection (10) “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area or proposed area of the combined authority, or
 - (b) a district council whose area is within the area or proposed area of the combined authority.
- (12) Subsection (10) is subject to section 106A.]

Status: Point in time view as at 28/03/2016. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 104. (See end of Document for details)

Textual Amendments

- F1** S. 104(2A)-(2D) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 5 para. 19](#)
- F2** S. 104(9) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [ss. 8\(1\)](#), 25(2)
- F3** S. 104(10)-(12) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [ss. 14\(3\)](#), 25(2)
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Commencement Information

- I1** S. 104 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

Status:

Point in time view as at 28/03/2016. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 104.