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STATUTORY INSTRUMENTS

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**2018 No. 1133**

The Newcastle Upon Tyne, North Tyneside and Northumberland  
Combined Authority (Establishment and Functions) Order 2018

PART 3

Transport

**Transfer of functions etc. relating to transport**

- 7.—(1) The following functions are transferred to the Combined Authority—
- (a) the functions of an integrated transport authority which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;
  - (b) the functions of a county council under Parts 4 and 5 of the Transport Act 1985<sup>(1)</sup> which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;
  - (c) the functions of a county council as local transport authority under Part 2 of the Transport Act 2000<sup>(2)</sup> which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area; and
  - (d) the issuing of levies in respect of the costs relating to the combined area reasonably attributable to the exercise of functions relating to transport under section 74 of the Local Government Finance Act 1988<sup>(3)</sup> to the councils for the local government areas of—
    - (i) Newcastle Upon Tyne;
    - (ii) North Tyneside; and
    - (iii) Northumberland.

(2) Subject to paragraph (3), the property, rights and liabilities that were transferred to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority under article 6(2)(b) of the 2014 Order, and any other such property,

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(1) 1985 c.67.

(2) 2000 c.38.

(3) 1988 c. 41. Section 74 was amended by section 117 of and paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 20 of and paragraph 21 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19); section 120 of and Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); section 109 of and paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 53 of and paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); section 22 of and paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); sections 119 and 146 of and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the 2009 Act; section 99 of and paragraph 182(a) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); section 79 of and paragraphs 1 and 2 of Schedule 7 to the Localism Act 2011 (c. 20); section 9 of the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 1994/2825.

rights and liabilities which have subsequently accrued to that authority in consequence of that transfer are to be held jointly by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority.

(3) The Durham, Gateshead, South Tyneside and Sunderland Combined Authority will continue to be the Scheme employer for the purposes of the Local Government Pension Scheme Regulations 2013 in place of the ITA and will continue to be responsible for meeting the liabilities of the Tyne and Wear Pension Fund in respect of benefits due to or in respect of the ITA's employees or former employees, or any liabilities of any predecessor authority.

(4) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(5) In any enactment (whenever passed or made)—

- (a) any reference to any integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.

(6) Any reference in any enactment (whenever passed or made) relating to—

- (a) a function of a county council under Part 4 or 5 of the Transport Act 1985, or
- (b) a function of a county council as local transport authority under Part 2 of the Transport Act 2000,

and which is a reference to a county, or to any class of area which includes a county, is to be treated as including a reference to the combined area.

(7) Any reference in any enactment (whenever passed or made) relating to—

- (a) a function of a county council under Part 4 or 5 of the Transport Act 1985; or
- (b) a function of a county council as local transport authority under Part 2 of the Transport Act 2000,

and which is a reference to a county council, or to any class of body which includes a county council, is to be treated as including a reference to the Combined Authority.

### **Establishment of joint transport committee**

**8.—**(1) The Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority must appoint a joint transport committee in accordance with Schedule 2.

(2) Schedule 2 (which makes provision about the constitution of the joint transport committee) has effect.

### **Functions to be exercised by joint transport committee**

**9.—**(1) The functions specified in the following sub-paragraphs are exercisable only by the joint transport committee—

- (a) the functions of an integrated transport authority which are exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority by virtue of articles 6 and 7 of the 2014 Order;
- (b) the functions of a county council which are exercisable by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority by virtue of articles 8 and 9 of the 2014 Order;

- (c) the functions of an integrated transport authority or county council which are exercisable by the Combined Authority by virtue of article 7(1)(a) to (c) and (4) to (7) of this Order;
  - (d) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as Authorities under Part 2 of the Transport Act 1968<sup>(4)</sup>;
  - (e) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as combined authorities under Parts 4 and 5 of the Transport Act 1985;
  - (f) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as local transport authorities under Part 2 of the Transport Act 2000;
  - (g) anything to be done in relation to the property, rights and liabilities referred to in article 7(2); and
  - (h) the setting of any transport levy to be issued under article 27(5) of this Order or article 5(3) of the 2014 Order.
- (2) The joint transport committee may arrange for the exercise of any of the functions referred to in paragraph (1) by—
- (a) the constituent council for the area in relation to which the function is to be exercised;
  - (b) an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or
  - (c) a sub-committee appointed in accordance with paragraph (3).
- (3) The membership of a sub-committee of the joint transport committee is to be determined by the joint transport committee and may include any—
- (a) member or substitute member of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or
  - (b) member of a constituent council appointed to the sub-committee by that council.
- (4) For the purposes of exercising the functions mentioned in paragraph (1) the joint transport committee may do anything that the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)<sup>(5)</sup>.
- (5) The joint transport committee must designate an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as the proper officer for transport being the principal officer to assist the committee in its exercise of the transport functions exercisable by the committee under paragraph (1).
- (6) Any arrangements made by the joint transport committee under this article for the exercise of any functions by a constituent council, sub-committee or officer must not prevent the joint transport committee from exercising those functions.
- (7) Any enactment relating to those functions to be discharged by the joint transport committee or the authorities by whom or the areas in respect of which they are to be exercised, has effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the area in respect of which they are to be exercised.
- (8) For the purpose of this article, “constituent council” means any of the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

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(4) 1968 c. 73.

(5) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of and paragraph 25 of Schedule 5 to the Cities And Local Government Devolution Act 2016. Economic prosperity boards (EPBs) are bodies corporate established under section 88 of the 2009 Act.

(9) Standing Orders made under section 106 of the Local Government Act 1972<sup>(6)</sup> (standing orders) are subject to the provisions on the quorum and proceedings of the joint transport committee contained in Schedule 2 to this Order.

(10) In this article, “proper officer” has the same meaning as in section 270(3) of the Local Government Act 1972<sup>(7)</sup>.

### **Passenger Transport Executive**

**10.**—(1) In this article “the Executive” means the Tyne and Wear Passenger Transport Executive.

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008<sup>(8)</sup> and Part 6 of the 2009 Act.

(3) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Combined Authority, the Executive is to be treated as if it were an officer of the Combined Authority.

### **Amendments to the Transport Act 1968**

**11.** In section 9 of the Transport Act 1968 (integrated transport areas and passenger transport)<sup>(9)</sup>—

(a) in subsection (1)(b)—

(i) in sub-paragraph (ia) after “area” insert “(except as mentioned in sub-paragraph (ib))”;

(ii) after sub-paragraph (ia) insert—

“(ib) in relation to the areas of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, those authorities acting jointly through the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;”;

(b) in subsection (1)(c), for sub-paragraph (ie) substitute—

“(ie) in relation to the areas of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority, the Tyne and Wear Passenger Transport Executive;” and

(c) after subsection (6B) insert—

“(6C) Subsection (1)(ab) applies in relation to each of the authorities within subsection (6D) as if for the words “an area for which a combined authority is established” there were substituted “the area consisting of the areas for which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority are established”.

(6D) The authorities referred to in subsection (6C) are—

<sup>(6)</sup> 1972 c. 70.

<sup>(7)</sup> To which there are amendments not relevant to this Order.

<sup>(8)</sup> 2008 c. 26.

<sup>(9)</sup> Section 9 was amended by paragraph 1 of Schedule 18 to the Local Government (Scotland) Act 1973 (c. 65); by sections 57 and 58 of, paragraph 3 of Schedule 3 to and Schedule 8 to the Transport Act 1985; by paragraph 80 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39); by section 49 and Schedule 8 to the Deregulation Act 2015 (c. 20) and in relation to England and Wales only by section 98 of, paragraph 2 of Schedule 4 to and Part 4 of Schedule 7 to the Local Transport Act 2008 and by S.I. 2011/908, S.I. 2014/864, S.I. 2014/866 and by S.I. 2016/653.

- (a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;
- (b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.”.

### **Modifications to the Transport Act 2000**

**12.**—(1) Section 108 of the Transport Act 2000 (local transport plans)(**10**) applies in relation to the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as if—

- (a) any reference to the area of a local transport authority were a reference to the area consisting of the areas for which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority are established; and
- (b) in subsection (4) for paragraph (ca) there were substituted—

“(ca) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority acting jointly through the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018,”.

(2) The Combined Authority is not to be treated as a mayoral combined authority for the purposes of section 123A(4)(a) of the Transport Act 2000(**11**).

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(10) Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act.

(11) Section 123A was inserted by section 4 of the Bus Services Act 2017 (c. 21).