Draft Regulations laid before Parliament under section 252(4) of the Levelling-up and Regeneration Act 2023, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2024 No.

HEALTH, ENGLAND

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The East Midlands Combined County Authority Regulations 2024

Made - - - -

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(1), 10, 13(1), 16(1), 18(1) and (3), 19(1), (2), (3) and (7), 27, 30(1), (7), (9) and (10), 32(1) to (4), 53(1), 54, 252(1) and (2) of and paragraph 3 of Schedule 2 to the Levelling-up and Regeneration Act 2023(**a**) ("the 2023 Act").

The Secretary of State, having had regard to a proposal prepared and published under section 45 of the 2023 Act, considers that—

(a) the making of these Regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area to which the Regulations relate,

(b) the making of these Regulations will achieve the purposes specified under section 45(7) of the 2023 Act, and

(c) any consultation required by section 45(4) of the 2023 Act has been carried out.

In making these Regulations, the Secretary of State has had regard to the need to secure effective and convenient local government and to the need to reflect the identities and interests of local communities(**b**).

(**a**) 2023 c. 55.
(**b**) Section 46(1)(b) of the 2023 Act requires the Secretary of State, when making regulations to establish a combined county authority, to have regard to these matters.

In accordance with sections 10(8), 16(2)(a), 18(6)(a), 20(2)(b) and 46(1)(d) of the 2023 Act, the councils of the local government areas of Derby City, Derbyshire, Nottingham and Nottinghamshire have consented to the making of these Regulations.

In accordance with section 20(6) of the 2023 Act, the Secretary of State has laid before Parliament a report explaining the effect of these Regulations and why the Secretary of State considers it appropriate to make these Regulations.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 252(4) of the 2023 Act.

Accordingly, the Secretary of State makes the following Regulations:

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the East Midlands Combined County Authority Regulations 2024.

(2) Save as provided in paragraph (3) these Regulations come into force on the day after the day on which they are made.

(3) Part 8 of these Regulations comes into force on 7th May 2024.

Interpretation

2. In these Regulations—

"the 1980 Act" means the Highways Act 1980(**a**);

"the 1985 Act" means the Housing Act 1985(**b**);

"the 1989 Act" means the Local Government and Housing Act 1989(**c**);

"the 1990 Act" means the Town and Country Planning Act 1990(**d**);

"the 1999 Act" means the Greater London Authority Act 1999(**e**);

"the 2000 Act" means the Transport Act 2000(**f**);

"the 2003 Act" means the Local Government Act 2003(**g**);

"the 2004 Act" means the Traffic Management Act 2004(**h**);

"the 2006 Act" means the National Health Service Act 2006(**i**);

"the 2008 Act" means the Housing and Regeneration Act 2008(**j**);

"the 2011 Act" means the Localism Act 2011(**k**);

(**a**) 1980 c. 66.
(**b**) 1985 c. 68.
(**c**) 1989 c. 42.
(**d**) 1990 c. 8.
(**e**) 1999 c. 29.
(**f**) 2000 c. 38.
(**g**) 2003 c. 26.
(**h**) 2004 c. 18.
(**i**) 2006 c. 41.
(**j**) 2008 c. 17.
(**k**) 2011 c. 20.

"the 2023 Act" means the Levelling-up and Regeneration Act 2023(**a**);

"the Area" means the area consisting of the areas of the constituent councils;

"the BRS Act" means the Business Rate Supplements Act 2009(**b**);

"the Combined County Authority" means the East Midlands Combined County Authority as constituted by regulation 3;

"Corporation" means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined County Authority;

"constituent councils" means the councils for the local government areas of Derby City, Derbyshire, Nottingham and Nottinghamshire;

"district councils" means the councils for the local government areas of Amber Valley, Ashfield, Bassetlaw, Bolsover, Broxtowe, Chesterfield, Derbyshire Dales, Erewash, Gedling, High Peak, Mansfield, Newark and Sherwood, North East Derbyshire, Rushcliffe and South Derbyshire;

"election for the return of the mayor" means an election held pursuant to regulation 5 of these Regulations;

"highway authority" and "local highway authority" have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act(**c**);

"the ordinary day of election", in relation to any year means the day which is the ordinary day of election in that year of councillors for counties in England and districts as determined in accordance with section 37 of the Representation of the People Act 1983(**d**);

"Mayor" means the mayor for the Area, except in the term "Mayor of London"; and

"the transition period" means the period beginning with the day on which this regulation comes into force and ending with 31st March 2026.

PART 2

Establishment of a combined county authority for East Midlands

Establishment

3.—(1) There is established a combined county authority for the Area.

(2) The combined county authority is to be a body corporate and is to be known as the East Midlands Combined County Authority.

(3) The functions of the Combined County Authority are those functions conferred or imposed upon it by these Regulations or by any other enactment (whenever passed or made), or as may be delegated to it by or under these Regulations or any other enactment (whenever passed or made).

(**a**) 2023 c. 55.

(**b**) 2009 c. 7.

(**c**) Section 1 was amended by the Local Government Act 1985 (c. 51), paragraph 1 of Schedule 4 and Schedule 17, the New Roads and Street Works Act 1991 (c. 22), section 21(2), the Local Government (Wales) Act 1994 (c. 19), paragraph 1(2) and (3) of Schedule 7, the Greater London Authority Act 1999, section 259(1) to (3) and the Infrastructure Act 2015 (c. 7), paragraph 2 of Schedule 7. Section 2 was amended by the New Roads and Street Works Act 1991, section 21(3), the Greater London Authority Act 1999, section 259(4) and (5) and the Infrastructure Act 2015, paragraph 3 of Schedule 7. Section 3 was amended by the Infrastructure Act 2015, paragraph 4 of Schedule 7. Section 329(1) was amended by the Infrastructure Act 2015, paragraph 60(2) of Schedule 1. There are other amendments to section 329 that are not relevant to these Regulations.

(**d**) 1983 c. 2. Section 37 was amended by section 18(2) of the Representation of the People Act 1985 (c. 50), renumbered by paragraph 5 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and further amended by section 6(16) of the Wales Act 2017 (c. 4) and by S.I. 2018/1310.

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined County Authority) has effect.

PART 3

Election of Mayor

Election of Mayor

5.—(1) There is to be a mayor for the Area.

(2) The first election for the return of a mayor for the Area is to take place on 2nd May 2024.

(3) Subsequent elections for the return of a mayor for the Area are to take place—

(a) on the ordinary day of election in 2028, and

(b) in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the mayor returned at an election in 2024 for the return of a mayor for the Area—

(a) begins with 7th May 2024, and

(b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

(5) The term of office of the Mayor returned in each subsequent fourth year—

(a) begins with the fourth day after the day of the poll at the election for the return of the Mayor for the Area; and

(b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area.

Political adviser

6.—(1) The Mayor may appoint one person as the Mayor's political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined County Authority.

(3) No appointment under paragraph (1) may extend beyond—

(a) the term of office for which the Mayor who made the appointment was elected; or

(b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)(**a**), apply in relation to an appointment under paragraph (1) as if—

(a) any appointment to that post were the appointment of a person in pursuance of that section; and

(b) the Combined County Authority were a relevant authority for the purposes of that section.

(**a**) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by S.I. 2001/2237. There are other amendments not relevant to these Regulations.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words from "and that the appointment terminates" to the end of that subsection were omitted.

PART 4

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

7.—(1) The functions of the Homes and Communities Agency ("HCA") which are specified in the following provisions of the 2008 Act are to be functions of the Combined County Authority that are exercisable in relation to the Area—

(a) section 5 (powers to provide housing or other land);

(b) section 6 (powers for regeneration, development or effective use of land);

(c) section 7 (powers in relation to infrastructure);

(d) section 8 (powers to deal with land etc);

(e) section 9 (acquisition of land);

(f) section 10 (restrictions on disposal of land);

(g) section 11 (main powers in relation to acquired land)(**a**);

(h) section 12 (powers in relation to, and for, statutory undertakers);

(i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc), and

(j) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(2) The Combined County Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to, the objectives of —

(a) improving the supply and quality of housing in the Area;

(b) securing the regeneration or development of land or infrastructure in the Area;

(c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and

(d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

(a) exercisable concurrently with the HCA; and

(b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) "good design" and "needs" have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function in section 9(2) of the 2008 Act referred to in sub-paragraph (e) of paragraph (1) is subject to the condition set out in regulation 9 (condition on the exercise of the functions conferred by regulations 7 and 8).

(**a**) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

Acquisition and appropriation of land for planning and public purposes

8.—(1) The functions of the constituent councils and of the district councils specified in the following provisions as applied by regulation 10(2) to (5) are exercisable by the Combined County Authority in relation to the Area—

(a) section 8 of the 1985 Act (periodical review of housing needs)(**a**);

(b) section 11 of the 1985 Act (provision of board and laundry facilities)(**b**);

(c) section 12 of the 1985 Act (provision of shops, recreation grounds, etc)(**c**);

(d) section 17 of the 1985 Act (acquisition of land for housing purposes)(**d**);

(e) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes);

(f) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(**e**);

(g) section 227 of the 1990 Act (acquisition of land by agreement);

(h) section 229 of the 1990 Act (appropriation of land forming part of common, etc);

(i) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);

(j) section 232 of the 1990 Act (appropriation of land held for planning purposes);

(k) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(**f**);

(l) section 235 of the 1990 Act (development of land held for planning purposes);

(m) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(**g**);

(n) section 238 of the 1990 Act (use and development of consecrated land);

(o) section 239 of the 1990 Act (use and development of burial grounds);

(p) section 241 of the 1990 Act (use and development of open spaces).

(2) The functions specified in paragraph (1) are exercisable concurrently with the constituent councils and with the district councils.

(3) The exercise of the functions referred to in sub-paragraphs (d) and (f) of paragraph (1) are subject to the condition set out in regulation 9.

Condition on the exercise of the functions conferred by regulations 7 and 8

9. The exercise of the functions conferred by regulations 7 and 8 in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined County Authority requires the consent of—

(a) the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member;

(b) each district council whose local government area contains any part of the land subject to the proposed compulsory acquisition; and

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(**a**) Section 8 was amended by paragraph 62 of Schedule 11 to the 1989 Act and section 124 of the Housing and Planning Act 2016 (c. 22).
(**b**) Section 11 was amended by section 198 of and paragraph 103 of Schedule 6 to the Licensing Act 2003 (c. 17).
(**c**) Section 12 was amended by S.I. 2010/844.
(**d**) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).
(**e**) Section 226 was amended by sections 79, 99 and 120 of, paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.
(**f**) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).
(**g**) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(c) the Peak District National Park Authority if the Combined County Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park,

to be provided at a meeting of the Combined County Authority.

Application of certain provisions of the 1985 Act, the 1990 Act and the 2008 Act

10.—(1) This regulation has effect in consequence of regulations 7 and 8.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined County Authority as they apply to a local housing authority within the meaning of section 1 of the 1985 Act.

(3) For the purposes of regulation 8(1)(o) and (p) the Combined County Authority is to be treated as a local housing authority for the Area(**a**).

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined County Authority and land which has been vested in or acquired by the Combined County Authority for planning and public purposes as it applies to a local planning authority and land vested in or acquired by a local planning authority for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined County Authority to acquire land for housing and infrastructure as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2 to these Regulations.

(6) In this regulation "local planning authority" has the meaning given by section 336(1) of the 1990 Act.

PART 5

Mayoral development corporation

Mayoral development corporation

11.—(1) The Combined County Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

(a) section 197 (designation of Mayoral development areas);

(b) section 199 (exclusion of land from Mayoral development areas);

(c) section 200 (transfers of property etc to a Mayoral development corporation)(**b**);

(d) section 202 (functions in relation to town and country planning);

(e) section 204 (removal or restriction of planning functions);

(f) section 214 (powers in relation to discretionary relief from non-domestic rates);

(g) section 215 (reviews);

(h) section 216 (transfers of property, rights and liabilities)(**c**);

(**a**) In section 1 of the 1985 Act "local housing authority" means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

(**b**) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(**c**) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

(i) section 217 (dissolution: final steps);

(j) section 219 (guidance by the Mayor);

(k) section 220 (directions by the Mayor);

(l) section 221 (consents);

(m) paragraph 1 of Schedule 21 (membership);

(n) paragraph 2 of Schedule 21 (terms of appointment of members);

(o) paragraph 3 of Schedule 21 (staff);

(p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);

(q) paragraph 6 of Schedule 21 (committees); and

(r) paragraph 8 of Schedule 21 (proceedings and meetings).

Application of provisions in the 2011 Act

12.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined County Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

(a) any reference to a Mayoral development corporation; or

(b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by these Regulations, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 17, 200(1) or (4) or 216(1)) applies in relation to—

(a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or

(b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by these Regulations, section 235 of the 2011 Act (orders and regulations) applies in relation to—

(a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and

(b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

(a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**a**);

(b) section 31(1A) of the 1999 Act (limits of the general power)(**b**);

(c) section 38 of the 1999 Act (delegation)(**c**);

(d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(**d**);

(e) section 68(6) of the 1999 Act (disqualification and political restriction)(**e**);

(f) section 73 of the 1999 Act (monitoring officer)(**f**);

(g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)(**g**);

(h) section 424 of the 1999 Act (interpretation)(**h**);

(i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(**i**); and

(j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(**j**).

(7) In this regulation "transfer scheme" means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

Mayoral development corporation: incidental provisions

13.—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

(a) section 1 (disqualification and political restriction of certain officers and staff)(**k**), and

(b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of section 1.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(**l**) applies in relation to the Combined County Authority as if a Corporation were a committee of the Combined County Authority.

(**a**) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(**b**) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by S.I. 2012/1530.

(**c**) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.

(**d**) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.

(**e**) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(**f**) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20) and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.

(**g**) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.

(**h**) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(**i**) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(**j**) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(**k**) Section 1 was amended by section 80 of the Local Government Act 1972 (c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(**l**) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation as if—

(a) each reference to a functional body were a reference to a Corporation;

(b) each reference to the Greater London Authority were a reference to the Combined County Authority;

(c) each reference to the Mayor of London were a reference to the Mayor; and

(d) subsection (7) were omitted.

PART 6

Transport

Local transport functions under the Transport Act 1985

14.—(1) The functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(**a**) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraph (3), the functions specified in—

(a) sections 57 to 62; and

(b) sections 80 to 87,

of the Transport Act 1985 are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period the functions mentioned in paragraph (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) Subject to paragraph (5), the functions specified in—

(a) sections 63 and 64;

(b) sections 65 to 71;

(c) sections 72 to 76;

(d) sections 78 and 79;

(e) sections 88 to 92;

(f) sections 93 to 101;

(g) sections 103 to 105; and

(h) sections 106 and 106A(**b**),

of the Transport Act 1985 are exercisable by the Combined County Authority concurrently with the constituent councils.

(5) Any exercise of the functions mentioned in paragraph (4)(a), (d) and (f) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Local transport functions under the Transport Act 2000

15.—(1) The functions of the constituent councils as local transport authorities specified in Part 2 of the 2000 Act (local transport) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraphs (3) to (5), the functions specified in—

Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.

(**a**) 1985 c. 67.

(**b**) Section 106A was inserted by section 27 of the Local Government and Rating Act 1997 (c. 29).

(a) sections 108 and 109(**a**);

(b) sections 112 and 113;

(c) sections 113C to 123(**b**);

(d) sections 123A to 123X(**c**);

(e) sections 138A to 143B(**d**); and

(f) sections 152 to 162,

of the 2000 Act are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period—

(a) the exercise of the functions mentioned in paragraph (2)(a) and (b) by the Combined County Authority requires a unanimous vote in favour by all members of the Combined County Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined County Authority;

(b) the functions mentioned in paragraph (2)(c) to (f) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) The functions mentioned in paragraph (2)(a) and (b) are subject to the following modifications—

(a) in section 108(1)(b), the reference to "those policies" is a reference to the policies developed under section 108(1)(a) of the 2000 Act;

(b) in section 108(3B), the reference to "their plan" is a reference to the local transport plan prepared under section 108(3); and

(c) in section 109(4), the reference to "their local transport plan" is a reference to the local transport plan prepared under section 108(3),

in accordance with the functions conferred on the Combined County Authority by paragraph (1) of this regulation.

(5) Any exercise of the functions mentioned in paragraph (2)(d) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(6) The functions specified in—

(a) sections 134C to 138(**e**);

(b) section 145A(**f**);

(c) section 146; and

(d) sections 148 to 150,

of the 2000 Act, are exercisable by the Combined County Authority concurrently with the constituent councils.

(**a**) 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 Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

(**b**) Sections 113C to 113O were inserted by section 1 of the Bus Services Act 2017 (c. 21).

(**c**) Sections 123A to 123X were inserted by section 4 of the Bus Services Act 2017.

(**d**) Sections 138A to 138S were inserted by section 9 of the Bus Services Act 2017. Sections 141A, 143A and 143B were inserted by sections 18(1), 5 and 10 (respectively) of that Act.

(**e**) Sections 134C to 134G were inserted by section 7 of the Bus Services Act 2017.

(**f**) Section 145A was inserted by section 1 of the Concessionary Bus Travel Act 2007 (c. 13).

Agreements between authorities and strategic highways companies

16.—(1) The following functions are exercisable by the Combined County Authority in relation to the Area—

(a) the functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(**a**);

(b) the functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**b**).

(2) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Civil enforcement of road traffic contraventions

17.—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the enforcement area—

(a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraph 10 (designation of civil enforcement areas for moving traffic contraventions) of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London) to, the 2004 Act;

(b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(**c**);

(c) the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022(**d**).

(2) The functions are exercisable by the Combined County Authority (in relation to the enforcement area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(4) In this regulation—

(a) "civil enforcement area" means an area designated as a civil enforcement area under Part 2 of Schedule 8 to the 2004 Act (civil enforcement areas and enforcement authorities outside Greater London) which falls within the Area;

(b) "enforcement area" means the area comprising the civil enforcement areas of the constituent councils;

(c) "enforcement authority" means an enforcement authority for the purposes of Part 6 of the 2004 Act pursuant to paragraph 10(5) of Schedule 8 to that Act.

Workplace parking levy

18.—(1) The functions of the constituent councils as licensing authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the Area—

(a) Chapters 2 and 3 of Part 3 of the 2000 Act (workplace parking levy);

(**a**) Section 6 was amended by paragraph 4 of Schedule 4 to the Local Government Act 1985 (c. 51), by paragraph 2 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 7 of Schedule 1 to the Infrastructure Act 2015 (c. 7), and by S.I. 1995/1986.

(**b**) Section 8 was amended by paragraph 5 of Schedule 4 to the Local Government Act 1985, by paragraph 3 of Schedule 7 to the Local Government (Wales) Act 1994, and by paragraph 8 of Schedule 1 to the Infrastructure Act 2015.

(**c**) S.I. 2022/71, amended by S.I. 2022/686.

(**d**) S.I. 2022/576.

(b) the Workplace Parking Levy (England) Regulations 2009(**a**).

(2) The functions mentioned in paragraph (1) are exercisable by the Combined County Authority concurrently with the constituent councils.

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the function is to be exercised.

(4) In paragraph (1), "licensing authority" has the meaning given by section 178(6)(a) of the 2000 Act (preliminary).

Grants to bus service operators

19.—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) of the 2000 Act (grants to bus service operators) is exercisable by the Combined County Authority in relation to the Area.

(2) For the purpose of paragraph (1), section 154 of the 2000 Act has effect as if—

(a) in subsection (1), "with the approval of the Treasury (as respects England)" were omitted; and

(b) in subsection (3), for "with the approval of the Treasury (as respects England)" there were substituted "and notified to the Combined County Authority".

(3) Grants made under paragraph (1) must be calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the 2000 Act.

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) The function mentioned in paragraph (1) is exercisable concurrently with the Secretary of State in relation to the Area.

(6) In paragraph (4), "eligible bus services" has the meaning given by section 154(5) of the 2000 Act.

Permit schemes

20.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined County Authority in relation to the Area—

(a) section 33 (preparation of permit schemes)(**b**);

(b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(**c**);

(c) section 36 (variation and revocation of permit schemes)(**d**).

(2) The functions of the constituent councils as Permit Authorities specified in the 2007 Regulations are exercisable by the Combined County Authority in relation to the Area.

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined County Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council as a local highway authority, subject to the modifications in Schedule 4 to these Regulations.

(**a**) S.I. 2009/2085.
(**b**) Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c. 20).
(**c**) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.
(**d**) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

(5) References in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined County Authority.

(6) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(7) In this regulation—

(a) "the 2007 Regulations" means the Traffic Management Permit Scheme (England) Regulations 2007(**a**);

(b) "Permit Authority" has the same meaning as in regulation 2(1) of the 2007 Regulations; and

(c) "permit scheme" is to be construed in accordance with section 32 of the 2004 Act (meaning of "permit scheme").

Power to pay grant

21.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined County Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined County Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, further to the exercise of any function referred to in paragraph (1), the Combined County Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining the amount referred to in paragraph (3), the Combined County Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of the functions referred to in paragraph (3).

(5) To comply with paragraph (4), the Combined County Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined County Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined County Authority;

(ii) the reference to a local authority in England were a reference to a constituent council;

(b) subsection (2) were omitted;

(c) in subsections (3) and (4), the references to the person paying the grant were references to the Combined County Authority;

(d) subsection (6) were omitted.

(7) In this regulation "highway functions" means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

(**a**) S.I. 2007/3372, amended by S.I. 2015/958, S.I. 2020/122 and S.I. 2022/831.

PART 7

Health functions

Public health functions

22.—(1) Section 2B(1) of the 2006 Act (functions of local authorities and Secretary of State as to improvement of public health)(**a**) applies to the Combined County Authority as it applies to the constituent councils.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

Duty to have regard to documents and guidance

23. Subsection (1) of section 73B of the 2006 Act (exercise of public health functions of local authorities: further provision)(**b**) applies to the Combined County Authority as it applies to the constituent councils in the exercise of the functions mentioned in subsection (2) of that section.

Application of section 75 of the 2006 Act

24.—(1) Save as provided by section 75(7G) to (7J)(**c**), section 75 of the 2006 Act (arrangements between NHS bodies and local authorities), and regulations made under that section before the coming into force of these Regulations, apply to the Combined County Authority in the exercise of its public health functions as those provisions apply to the constituent councils.

(2) But where the Combined County Authority enters into prescribed arrangements by virtue of section 75(7I) and (7J) of the 2006 Act, and is thus treated as an NHS body in relation to those prescribed arrangements, it may not enter into those same prescribed arrangements in relation to the exercise of its public health functions, unless, and to the extent that, it is permitted to do so by regulations made under section 75(1) of the 2006 Act.

(3) In this regulation—

(a) "NHS body" is to be construed in accordance with sections 75(8) and 275 of the 2006 Act (**d**);

(b) "prescribed arrangements" is to be construed in accordance with section 75 of the 2006 Act;

(c) "public health functions" means functions exercisable by virtue of regulation 22 of these Regulations.

Duty to have regard to NHS Constitution

25.—(1) Section 2(1) of the Health Act 2009 (duty to have regard to NHS Constitution)(**e**) applies to the Combined County Authority in the exercise of any health service function as it applies to the constituent councils in the exercise of any health service function.

(2) In paragraph (1), "health service function" has the meaning given by section 2(3) of the Health Act 2009(**f**).

(**a**) Section 2B was inserted by section 12 of the Health and Social Care Act 2012 (c. 7).
(**b**) Section 73B was inserted by section 31 of the Health and Social Care Act 2012 (c. 7) and amended by paragraph 9 of Schedule 9 to the Health and Care Act 2022 (c. 31).
(**c**) Section 75(7A) to (7F) were inserted by paragraph 6 of Schedule 4 to the Cities and Local Government Devolution Act 2016 (c. 1) and subsection (7B) was amended by section 71(3) of the Health and Care Act 2022. Section 75(7G) to (7J) were inserted by paragraph 168 of Schedule 4 to the Levelling-up and Regeneration Act 2023.
(**d**) The definition of "NHS body" in section 275 was inserted by paragraph 138 of Schedule 4 to the Health and Social Care Act 2012 and amended by paragraph 11(b) of Schedule 1 and paragraph 132(d) of Schedule 4 to the Health and Care Act 2022.
(**e**) 2009 c. 21. Section 2(1) was amended by paragraph 175(2) of Schedule 5 to the Health and Social Care Act 2012.
(**f**) Section 2(3) was amended by paragraphs 174(b) and 175(4) of Schedule 5 to the Health and Social Care Act 2012.

PART 8

Mayoral functions

Functions exercisable only by the Mayor

26.—(1) The functions of the Combined County Authority set out in the following enactments are general functions exercisable only by the Mayor—

(a) section 17(3) of the 1985 Act;

(b) sections 108 (local transport plans), 109 (further provision about plans: England), 112 (plans and strategies: supplementary) and 154(1) (grants to bus service operators) of the 2000 Act(**a**);

(c) section 31 of the 2003 Act;

(d) section 9(2) of the 2008 Act;

(e) in relation to the functions conferred by regulation 29 (conferral of Business Rate Supplements functions), the BRS Act;

(f) sections 197, 199, 200, 202, 204, 214 to 217 and 219 to 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to, the 2011 Act.

(2) Any exercise by the Mayor of the general functions mentioned in paragraph (1) which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.

(3) The Combined County Authority may agree with the Mayor consent requirements relating to the exercise by the Mayor of the general functions mentioned in paragraph (1).

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 17(3) of the 1985 Act (acquisition of land for housing purposes), section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes), section 9(2) of the 2008 Act (acquisition of land), and section 197(1) of the 2011 Act (designation of Mayoral development areas) requires the consent of—

(a) the lead member of any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member,

(b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and

(c) the Peak District National Park Authority if the Mayor proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Combined County Authority designated under paragraph 1(3) of Schedule 1 by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members.

(6) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

(**a**) 2000 c. 38. Section 108 was amended by CAs with MDC functions have the NPA consent requirement (e.g. West Yorkshire).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 Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

(a) the lead members of the Combined County Authority designated under paragraph 1(3) of Schedule 1 by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members,

(b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and

(c) the Peak District National Park Authority if the Mayor proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park.

(7) In respect of the exercise of the functions conferred by sections 108, 109 and 112 of the 2000 Act—

(a) the Mayor must consult the Combined County Authority; and

(b) the members of the Combined County Authority may amend plans made pursuant to sections 108, 109 and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the authority.

(8) For the purpose of paragraphs (2), (4)(a), (5), (6)(a) and (7) the consent must be given at a meeting of the Combined County Authority.

(9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the members and officers may assist the Mayor in the exercise of the functions.

(10) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined County Authority may do under section 49 of the 2023 Act (general power of CCA).

(11) The Mayor must not make arrangements under section 30(3)(b) of the 2023 Act (functions of mayors: general) for a political adviser appointed under regulation 6 to exercise the functions specified in paragraph (1).

Joint committees

27.—(1) The Mayor may enter into arrangements jointly with the Combined County Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972(**a**) for the discharge of the general functions of the Combined County Authority which are exercisable only by the Mayor pursuant to regulation 26.

(2) In this regulation "other council" means the council for a county or district in England.

PART 9

Funding

Funding

28.—(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined County Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions referred to in regulation 26(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined County Authority.

(3) Any amount payable by each of the constituent councils in accordance with paragraphs (1) and (2) is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal proportions.

(**a**) 1972 c. 70.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined County Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure, and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred;

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992(**a**) is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined County Authority reasonably attributable to the exercise of its functions relating to transport may be met by means of a levy issued by the Combined County Authority to the constituent councils under section 74 of the Local Government Finance Act 1988(**b**) and in accordance with the Transport Levying Bodies Regulations 1992(**c**).

Conferral of Business Rate Supplements functions

29. The Combined County Authority has, in relation to the Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act, except for the functions conferred by section 3(5) (use of money raised by a BRS) of that Act.

Application of BRS Act in consequence of regulation 30

30. For the purposes of regulation 29, the BRS Act applies to the Combined County Authority as if —

(a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act included references to the Combined County Authority;

(b) references in that Act to a lower-tier authority were, in relation to the Combined County Authority, references to a district council.

PART 10

Additional functions

Assessment of economic conditions

31.—(1) The functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (duty to prepare an assessment of economic conditions)(**d**) are exercisable by the Combined County Authority in relation to the Area.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined County Authority.

(4) Section 69 of the Local Democracy, Economic Development and Construction Act 2009 applies to the Combined County Authority as it applies to a constituent council.

(**a**) 1992 c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of and paragraph 7 of Schedule 17 to the Localism Act 2011 and section 5 of the Cities and Local Government Devolution Act 2016.
(**b**) 1988 c. 41. There are also amendments to section 74.
(**c**) S.I. 1992/2789, to which there are amendments not relevant to these Regulations.
(**d**) 2009 c. 20.

Data sharing

32.—(1) The functions of the constituent councils described in section 17A of the Crime and Disorder Act 1998 (sharing of information)(**a**) are exercisable by the Combined County Authority in relation to the Area.

(2) The Combined County Authority is a relevant authority for the purposes of section 115 of the Crime and Disorder Act 1998 (disclosure of information)(**b**).

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

Incidental provisions

33. The following provisions of the Local Government Act 1972 have effect in relation to the Combined County Authority as if it were a local authority—

(a) section 113 (power to place staff at the disposal of other local authorities)(**c**);

(b) section 142(2) (power to arrange for publication of information etc relating to the functions of the authority)(**d**);

(c) section 144 (power to encourage visitors and provide conference and other facilities)(**e**);

(d) section 145 (provision of entertainments)(**f**);

(e) section 222 (power to prosecute and defend legal proceedings).

34.—(1) The Combined County Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(**g**) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1), section 88(1) of the Local Government Act 1985 has effect as if a reference to "that area" were a reference to the Area.

35. Section 13 of the 1989 Act (voting rights of members of certain committees)(**h**) has effect in relation to the Combined County Authority as if—

(a) in subsection (4), after paragraph (h) there were inserted—

(**a**) 1998 c. 37. Section 17A was inserted by paragraph 5 of Schedule 9 to the Police and Justice Act 2006 (c. 48) and amended by paragraph 45 of Schedule 19 to the Data Protection Act 2018 (c. 12).

(**b**) Section 115 was amended by paragraph 151 of Part 2 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43); by section 97 of the Police Reform Act 2002 (c. 30); by section 219 of the Housing Act 2004 (c. 34); by paragraph 7 of Schedule 9 to the Police and Justice Act 2006; by section 29 of the Transport for London Act 2008 (c. i); by paragraph 238 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); by paragraph 90 of Schedule 5 to the Health and Social Care Act 2012 (c. 7); by paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017 (c. 3); by paragraph 1(1) of Schedule 1 and paragraph 57 of Schedule 4 to the Health and Care Act 2022 (c. 31); and by S.I. 2000/90, 2002/2469, 2007/961, 2008/912, 2010/866, 2013/602.

(**c**) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 4 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012; by paragraph 1(2) of Schedule 1 and paragraph 11(2) and (3) of Schedule 4 to the Health and Care Act 2022; and by S.I. 2000/90, 2002/2469, 2007/961. It is prospectively amended by paragraph 45 of Schedule 14 to the Health and Social Care Act 2012 from a date and time to be appointed.

(**d**) Subsection (2) was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10).

(**e**) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 190 of the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985.

(**f**) Section 145 was amended by paragraph 59 of Schedule 6 to the Licensing Act 2003 (c. 17).

(**g**) 1985 c. 51.

(**h**) Section 13 was amended by paragraph 156 of Schedule 19 and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Part 1 of Schedule 4 and Part 1 of Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29); by Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37 to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by Part 4 of Schedule 5 to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); by paragraph 14 of Schedule 14 and by Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by paragraph 12 of Schedule 5 to the Cities and Local Government Devolution Act 2016; by section 7 of the Policing and Crime Act 2017 (c. 3); and by S.I. 2001/1517, 2010/1158.

"(i) subject to subsection (4A), a committee appointed by the East Midlands Combined County Authority;";

(b) after subsection (4) there were inserted—

"(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee is for all purposes to be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by regulation 2 of the East Midlands Combined County Authority Regulations 2024.".

36. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013(**a**) in the table insert at the end—

"An employee of the East Midlands Combined County Authority established by the East Midlands Combined County Authority Regulations 2024	Nottinghamshire County Council".

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Name
Parliamentary Under Secretary of State
Date Department for Levelling Up, Housing and Communities

SCHEDULE 1

Regulation 4

Constitution

Membership

1.—(1) Subject to sub-paragraph (4), the Combined County Authority is to have eight members in addition to the Mayor as provided for in the following sub-paragraphs.

(2) Each of the constituent councils must appoint two of its elected members to act as members of the Combined County Authority.

(3) Each constituent council must designate one of the members appointed under sub-paragraph (2) to act as lead member.

(4) Each constituent council must appoint another two of its elected members to act as a member of the Combined County Authority in the absence of either of the members appointed under sub-paragraph (2) ("the substitute member").

(5) A person ceases to be a member or substitute member of the Combined County Authority if they cease to be a member of the constituent council that appointed them.

(6) A person may resign as a member or substitute member of the Combined County Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.

(7) Where a member or substitute member of the Combined County Authority's appointment ceases by virtue of sub-paragraph (5) or (6) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined County Authority and appoint another of its elected members in that person's place.

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

(**a**) S.I. 2013/2356, amended by S.I. 2015/755; there are other amending instruments but none is relevant.

(9) Where a constituent council exercises its power under sub-paragraph (8), it must give written notice of the new appointment and the termination of the previous appointment to the Combined County Authority and the new appointment takes effect and the previous appointment terminates 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.

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

Non-constituent and associate members

2.—(1) The Combined County Authority must have no more than eight non-constituent members and associate members.

(2) Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).

(3) An associate member appointed under section 12(1) of the 2023 Act (associate members of a CCA) must nominate another person to act as a member of the Combined County Authority in their absence.

Proceedings

3.—(1) Subject to the following sub-paragraphs, any question that is to be decided by the Combined County Authority is to be decided by—

(a) a vote of the members of the Combined County Authority, and any substitute members acting in place of members of the Combined County Authority, and the Mayor or the deputy mayor acting in place of the Mayor present and voting on that question at a meeting of the Combined County Authority, and

(b) a majority of those voting that includes the Mayor, or the deputy mayor acting in place of the Mayor.

(2) No business may be transacted at a meeting of the Combined County Authority unless the following persons are present—

(a) the Mayor or the deputy mayor acting in place of the Mayor, and

(b) at least three members of the Combined County Authority appointed by constituent councils under paragraph 1(2), or substitute members acting in their place.

(3) 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 County Authority.

(4) The Mayor, and each member of the Combined County Authority appointed by a constituent council, or substitute member acting in that member's place, is to have one vote.

(5) Neither the Mayor nor any member or substitute member is to have a casting vote.

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

(7) For questions relating to the following matters, the majority under sub-paragraph (1)(b) must include all lead members designated by the constituent councils under paragraph 1(3) or, where any substitute members are acting in place of lead members, all lead members and all such substitute members—

(a) approval or amendment of a budget;

(b) the setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder; and

(c) such other plans and strategies as may be determined by the Combined County Authority and set out in its standing orders.

(8) The proceedings of the Combined County Authority are not 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.

Records

4.—(1) The Combined County 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 County Authority, or any committee or sub-committee of the Combined County Authority, are to be kept in such form as the Combined County Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined County 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) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined County Authority, committee or sub-committee, 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 County 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

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

Remuneration

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

7.—(1) The Combined County Authority may establish an independent remuneration panel to recommend a scheme to the Combined County Authority regarding the allowances payable to—

(a) the Mayor;

(b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a constituent council;

(c) independent persons appointed under article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**a**); and

(d) members of the overview and scrutiny committee and members of the audit committee.

(2) An independent remuneration panel must consist of at least three members none of whom—

(a) is also a member of the Combined County Authority or is a member of a committee or sub-committee of the Combined County Authority or a member of a constituent council of the Combined County Authority or a member of a district council; or

(b) is disqualified from being or becoming a member of the Combined County Authority.

(3) The Combined County 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 County Authority may determine.

(**a**) S.I. 2017/68, as amended by S.I. 2023/XXXX.

8. The Combined County Authority may only pay an allowance to the people listed in paragraph 7(1)(a) to (d) if the Combined County Authority has —

(a) considered a report published by the independent remuneration panel established under paragraph 7(1) which contains recommendations for such an allowance; and

(b) approved a scheme for the payment of the allowance providing that scheme does not provide for the payment of allowances of an amount in excess of the amount recommended by the independent remuneration panel.

9. The Combined County Authority must consider a report from the independent remuneration panel before approving a scheme under paragraph 7.

SCHEDULE 2

Regulation 10(5)

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 County 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 County Authority";

(b) "Part 1" of that Act there were substituted a reference to "Part 4 of the East Midlands Combined County Authority Regulations 2024"; and

(c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined County 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 County Authority".

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

> ""Combined County Authority" means the East Midlands Combined County Authority, a body corporate established under the East Midlands Combined County Authority Regulations 2024;".

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 County 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 each reference to "section 9" of that Act there were substituted a reference to "regulation 7 of the East Midlands Combined County Authority Regulations 2024".

(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 County Authority.

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

SCHEDULE 3

Regulation 12(1)

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 County 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 County Authority;
>
> "the Combined County Authority" means the Combined County Authority, established by the East Midlands Combined County Authority Regulations 2024;
>
> "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 County Authority;
>
> "National Park" means the Peak District National Park(**a**); and
>
> "National Park authority" means the National Park authority for the National Park(**b**).".

(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 County Authority";

(b) "the Mayor" there were substituted "the Combined County Authority" except for the occurrences in sections 197(3)(d) and (e), 199, 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";

(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 County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)";

(ii) for "the Mayor" in each place it occurs 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)—

(**a**) 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**) Article 2 of the National Park Authorities (England) Order 2015 defines "National Park authority" as meaning a National Park authority for a National Park.

(i) for "the Mayor" in each place it occurs there were substituted "the Mayor for the Area"; and

(ii) for "the London Assembly" there were substituted "the Combined County Authority";

(e) in subsection (3)(f) for "the London Assembly" there were substituted "the Combined County Authority";

(f) in subsection (4)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the members of the Combined County 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 "the National Park authority if any part of the area is within the 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 County Authority";

(ii) in paragraph (b) for "the London Assembly" there were substituted "the Combined County Authority";

(iii) in paragraph (b)(i) for "the Assembly" there were substituted "the Combined County Authority";

(iv) in paragraph (b)(ii) for "the Assembly members voting" there were substituted "all members of the Combined County 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 County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)"; and

(b) in each place it occurs 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 County 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" in subsection (7) 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, a county council or the 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 County 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 County 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 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 County Authority", except for the references in paragraph 1(1);

(ii) "the Mayor's" there were substituted "the Combined County Authority's";

(b) for each reference to "an MDC" there were substituted "the Corporation", except for the references in paragraphs 1(5) and 3;

(c) for each reference to "the MDC" there were substituted "the Corporation";

(d) 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 County Authority";

(e) in paragraph 1(2) for "each relevant London council" there were substituted "each relevant district council";

(f) 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";

(g) in paragraph 1(5), for "an MDC" there were substituted "a Corporation" and for "MDC's" there were substituted "Corporation's";

(h) in paragraph 2(5)(d) for "a relevant London council" there were substituted "a relevant district council";

(i) 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"; and

(iii) for "the MDC's" there were substituted "the Corporation's";

(j) in paragraph 4(4) for "the London Assembly" there were substituted "the Combined County Authority";

(k) in paragraph 9(c) for "each relevant London council" there were substituted "each relevant district council"; and

(l) in paragraph 10(1)(c) the reference to "and to the London Assembly" were omitted.

SCHEDULE 4

Regulation 20(4)

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

1.—(1) Part 3 of the 2004 Act 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 County Authority does not have effect in the Area unless the Combined County Authority gives effect to it by order.";

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

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

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

(4) Section 39 (interpretation of Part 3) has effect as if, in subsection (1), after the definition of "the appropriate national authority", there were inserted—

""the Area" means the area of the Combined County Authority;

"the Combined County Authority" means the East Midlands Combined County Authority;".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the East Midlands Combined County Authority ("the Combined County Authority") and provide for the conferral of functions of local authorities and other public authorities on the Combined County Authority.

Part 2 of the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act") provides for the establishment of combined county authorities for the areas of two or more local authorities in England. Combined county authorities are bodies corporate which may be given power to exercise specified functions in their area.

The Secretary of State may establish a combined county authority for an area where a proposal for such an authority has been submitted under section 45 of the 2023 Act. These Regulations have been made following the publication of such a proposal in March 2023 by the constituent councils whose areas together make up the combined area of the new authority. The proposal is available at: https://committee.nottinghamcity.gov.uk/documents/s145908/Appendix%201%20-%20East%20Midlands%20CCA%20Proposal.pdf.

Part 2 of these Regulations establishes the new Combined County Authority and makes provision for its constitution (in Schedule 1).

Part 3 of these Regulations provides for the election of a Mayor and for the appointment of a political advisor to the Mayor.

Part 4 of these Regulations confers on the Combined County Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency. It also makes provision about the acquisition and appropriation of land for planning and public purposes and sets out conditions on the exercise of various functions. Regulation 10 and Schedule 2 apply and modify relevant provisions in legislation.

Part 5 of these Regulations confers on the Combined County Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to these Regulations modifies Part 8 of and Schedule 21 to the Localism Act 2011 (c. 20) which make provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of these Regulations confers on the Combined County Authority functions relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined County Authority and makes provision for specified highways and traffic powers held by the local authorities to be exercised concurrently by the Combined County Authority. It confers powers for the Mayor to pay grants, including to bus service operators. It also makes incidental provision.

Part 7 of these Regulations provides for the conferral of certain public health functions of local authorities on the Combined County Authority, which are exercisable concurrently with the constituent councils (see regulation 22). The Combined County Authority has a duty to take such steps as it considers appropriate for improving the health of the people in its area. The Combined County Authority is considered a NHS body in certain circumstances, may enter into partnership with an NHS body and must have due regard to the NHS Constitution.

Part 8 of these Regulations sets out the functions of the Combined County Authority which are to be only exercisable by the Mayor and makes provision in relation to Joint Committees.

Part 9 of these Regulations makes provision for the funding, by the constituent councils, of those costs of the Combined County Authority that relate to the exercise of its functions. Regulation 29 provides that the Combined County Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the Business Rate Supplements Act 2009 (c. 7) to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Part 10 of these Regulations confers additional functions to be exercisable by the Combined County Authority concurrently with the constituent councils, including functions relating to economic assessments and data sharing.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sectors. The impact on the public sector is that conferring functions on the Combined County Authority should lead to operational efficiencies that could lead to reduced costs.

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