Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, 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

2016 No.

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND

The Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 107A and 107F of, and paragraph 3 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(**a**).

The district councils whose areas are comprised in the area of the Greater Manchester Combined Authority and the Greater Manchester Combined Authority have consented to the making of this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the area" means the area of the combined authority;

(**a**) 2009 c. 20. Sections 107A and 107F and Schedule 5B were inserted by sections 2 and 4 of the Cities and Local Government Devolution Act 2016 (c. 1). Section 117(2), (2A) and (3) was substituted by section 13 of the Localism Act 2011 (c. 20). Section 117 was amended by paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

"combined authority" means the Greater Manchester Combined Authority(**a**);

"first election" means the first election for the return of a mayor for the area;

"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 (see sections 37 and 37A of the Representation of the People Act 1983(**b**)).

Election of a mayor

3.—(1) There is to be a mayor for the area.

(2) The first election is to take place on 4th May 2017.

(3) Subsequent elections for the return of a mayor for the area shall take place—

(a) on the ordinary day of election in 2020, 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 for the return of a mayor for the area—

(a) begins with the fourth day after the day of the poll at the election for the return of a 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 a mayor for the area.

Police and Crime Commissioner functions

4.—(1) The mayor for the area shall exercise functions of a police and crime commissioner in relation to the area.

(2) There is to be no police and crime commissioner for the area from 8th May 2017.

(3) Any election of a police and crime commissioner for the area that would otherwise take place (whether before or after 8th May 2017) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011(**c**) is not to take place.

(4) The term of office of the police and crime commissioner for Greater Manchester is to continue until 8th May 2017.

(5) Any election to fill a vacancy in the office of police and crime commissioner for Greater Manchester which would otherwise take place under section 51 of the Police Reform and Social Responsibility Act 2011 is not to take place if the vacancy occurs within the period of six months ending on 8th May 2017.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State
Date Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 ("the 2009 Act") provides for the establishment of combined authorities for the areas of two or more local

(**a**) The Greater Manchester Combined Authority was established by the Greater Manchester Combined Authority Order 2011(S.I. 2011/908) as amended by the Greater Manchester Combined Authority (Amendment) Order 2015 (S.I. 2015/960).

(**b**) 1983 c. 2. Section 37 was amended by section 17 of and Schedule 3 to the Greater London Authority Act 1999 (c. 29) and by section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 37A was inserted by section 60(2) of the Local Government and Public Involvement in Health Act 2007.

(**c**) 2011 c. 13.

authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions.

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act. Paragraph 3 of Schedule 5B to the 2009 Act provides that the Secretary of State may make provision for the dates on which and years in which elections for the return of a mayor for the area of a combined authority may or must take place, the intervals between elections for the return of a mayor and the term of office of a mayor.

Article 3 of the Order creates the position of mayor for the area of the Greater Manchester Combined Authority. Article 3 further specifies the term of office for the mayor for the area of the Greater Manchester Combined Authority, and the dates on which elections for the return of a mayor shall take place and the intervals between elections.

The Secretary of State may provide for the mayor for the area of a combined authority to exercise functions of a police and crime commissioner ("PCC") in relation to that area, under section 107F(1) of the 2009 Act and article 4 of this Order does that in relation to the Greater Manchester Combined Authority area. It also provides that there will be no PCC for the area from 8th May 2017 (the date that the mayor takes office), that there shall be no further ordinary elections of a PCC in that area and that the term of office of the PCC for Greater Manchester is extended until 8th May 2017. It also provides that, in the event of a vacancy in the office of PCC for Greater Manchester arising within the six month period ending with 8th May 2017, no by-election is to take place.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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