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

2017 No. XXXX

LOCAL GOVERNMENT, ENGLAND

FIRE AND RESCUE SERVICES, ENGLAND

The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017

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 105A(1)(a), (3)(a) and (4)(b), 107D(1), (3)(c)(ii), (4), (5)(b), (7)(b) and (c), 114, 115 and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(**a**) (the "LDEDC Act 2009").

A proposal for making this Order has been made to the Secretary of State by the Greater Manchester Combined Authority and the district councils whose areas are comprised in the area of that Combined Authority in accordance with section 105B(1)(a) of the LDEDC Act 2009 by inclusion in a scheme prepared and published under section 112 of that Act(**b**).

In accordance with section 107D(9) of the LDEDC Act 2009 the Greater Manchester Combined Authority and the district councils whose areas are comprised in the area of that Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the LDEDC Act 2009, the Secretary of State has laid before Parliament a report explaining the effect of this Order and explaining why the Secretary of State considers it appropriate to make 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 LDEDC Act 2009.

(**a**) 2009 c. 20. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c.1) ("CLGD Act 2016"). Section 107D was inserted by section 4 of the CLGD Act 2016. Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the CLGD Act 2016. Section 115 was amended by section 23(1) of, and paragraphs 17 and 27 of Schedule 5 to, the CLGD Act 2016. Section 117(2), (2A) and (3) was substituted by section 13 of the Localism Act 2011 (c.20). Section 117(5) was inserted by section 23(1), and paragraphs 17 and 29 of Schedule 5, to the CLGD Act 2016.

(**b**) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the CLGD Act 2016. Section 105B was inserted by section 7 of the CLGD Act 2016.

Citation and commencement

1.—(1) This Order may be cited as the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017.

(2) This article, article 2 and article 11 come into force on the day after the day on which the Order is made.

(3) Otherwise this Order comes into force on 8th May 2017.

Interpretation

2. In this Order—

"the FRS Act 2004" means the Fire and Rescue Services Act 2004(**a**);

"the LDEDC Act 2009" means the Local Democracy, Economic Development and Construction Act 2009;

"the Area" means the area of the GMCA;

"constituent councils" means the district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan;

"fire and rescue authority" means a fire and rescue authority under the FRS Act 2004;

"fire and rescue declaration" means a document which—

(a) is prepared and published by the GMCA in accordance with the Fire and Rescue National Framework; and

(b) contains a statement of the way in which the GMCA has had regard, in the period covered by the document, to the Framework and to any local risk plan prepared by the GMCA for that period;

"fire and rescue functions" means functions conferred on GMCA as a fire and rescue authority by, or by virtue of, any enactment;

"Fire and Rescue National Framework" means the document prepared by the Secretary of State under section 21 of the FRS Act 2004;

"the fire and rescue service" means the personnel, services and equipment secured by the GMCA for the purposes of carrying out the GMCA's functions under—

(a) section 6 of the FRS Act 2004; (fire safety);

(b) section 7 of that Act (fire-fighting);

(c) section 8 of that Act (road traffic accidents);

(d) any order under section 9 of that Act (emergencies) which applies to the GMCA;

(e) section 2 of the Civil Contingencies Act 2004(**b**) and any regulations under that Act applying to a fire and rescue authority;

(f) any other provision of or made under an enactment which confers functions on a fire and rescue authority;

"the GMCA" means the Greater Manchester Combined Authority, a body corporate established by the Greater Manchester Combined Authority Order 2011(**c**);

"the GMFRA" means the Greater Manchester Fire and Rescue Authority(**d**);

(**a**) 2004 c.21.

(**b**) 2004 c.36.

(**c**) The Greater Manchester Combined Authority was established by S.I.2011/908 (" the GMCA Order 2011") which has been amended but the amendments are not relevant to this Order. Article 3(2) of the GMCA Order 2011 provides that "the combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority ("the GMCA").

(**d**) The Greater Manchester Fire and Rescue Authority was established under section 26 of the Local Government Act 1985 (c.51) and the words "fire and rescue authority" were substituted by section 32 of, and paragraph 10 of Schedule 2 to, the Civil Contingencies Act 2004 (c.36).

"local risk plan" means a document which—

(a) is prepared and published by the GMCA in accordance with the Fire and Rescue National Framework; and

(b) sets out for the period covered by the document in accordance with the requirements of the Fire and Rescue National Framework—

(i) the GMCA's priorities and objectives; and

(ii) an assessment of all foreseeable fire and rescue related risks that could affect its community;

in connection with the discharge of the GMCA's functions as a fire and rescue authority;

"the Mayor" means the mayor for the Area(**a**).

Transfer of functions of the GMFRA to the GMCA

3.—(1) The functions of the GMFRA that are exercisable in relation to the Area of the GMCA are to be functions of the GMCA.

(2) The GMCA is the fire and rescue authority for the Area for the purposes of the FRS Act 2004, subject to paragraph 6 of the Schedule.

(3) The GMFRA is abolished.

(4) Part 2 of Schedule 10 (number of members of joint authorities: Greater Manchester) to the Local Government Act 1985(**b**) is repealed.

General functions of the GMCA exercisable only by the Mayor

4.—(1) The fire and rescue functions of the GMCA are exercisable only by the Mayor.

(2) For the purposes of the exercise of the fire and rescue functions, the Mayor may do anything that the GMCA may do under section 113A of the LDEDC Act 2009 (general power of EPB or combined authority)(**c**).

(3) Members and officers of the GMCA may assist the Mayor in the exercise of the fire and rescue functions.

Arrangements for exercise of fire and rescue functions

5.—(1) The Mayor may not make arrangements under section 107D(3) of the LDEDC Act (functions of mayors: general) that authorise the exercise of any of the fire and rescue functions to which article 6 applies.

(2) The Mayor may arrange under section 107D(3) of the LDEDC Act 2009 for a committee(**d**) of the GMCA to exercise fire and rescue functions other than any of the functions to which article 6 applies ("fire committee").

(3) One member of the fire committee is to be appointed by the Mayor on the nomination of each constituent council from one of that council's elected members.

(4) The Mayor may appoint 5 or fewer further members of the fire committee from the elected members of one or more of the constituent councils.

(**a**) Article 3 of S.I. 2016/448 provides for there to be a mayor for the area of the Combined Authority.

(**b**) 1985 c.51. Column 2 of the table in Part 2 was repealed by section 93, and Part 1 of Schedule 9 to the Police and Magistrates' Courts Act 1994. The words "Integrated Transport Authority" in the heading of column 4 were substituted by section 77(5) and paragraph 53 of Schedule 4 to the Local Transport Act 2008. The Greater Manchester Integrated Transport Authority was abolished by the GMCA Order 2011.

(**c**) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(**d**) This authorises the Mayor to make arrangements for a committee to exercise fire and rescue functions under section 107D(3)(c)(ii).

(5) Where the Mayor decides not to appoint a person who has been nominated by a constituent council, that council may nominate a further person from that council's elected members.

(6) The Mayor and the constituent councils must, when appointing or nominating members to the fire committee, ensure that the members of the fire committee taken as a whole reflect so far as reasonably practicable the balance of the political parties for the time being prevailing among the constituent councils when taken together.

(7) The Mayor must appoint one of the members of the fire committee to serve as chair of the committee.

(8) A member of the fire committee, ceases to be a member of that committee, if that person ceases to be a member of the constituent council of which that person had been a member at the time of appointment to the committee.

(9) A member of the fire committee may resign as a member of the fire committee by written notice served on the proper officer of the constituent council which that person had been a member of at the time of appointment to the committee and the resignation is to take effect on receipt of the notice by the proper officer.

(10) The Mayor may at any time terminate the appointment of a member of the fire committee where that member has not attended meetings of the fire committee throughout a period of six consecutive months from the date of that member's last attendance.

(11) Where a person ceases to be a member of the fire committee by virtue of paragraph (8), (9) or (10) and paragraph (3) had applied to that person, the constituent council that nominated that member must, as soon as practicable, give written notice to the Mayor and nominate another person from that council's elected members.

(12) Where a person ceases to be a member of the fire committee by virtue of paragraph (8), (9), or (10), the Mayor must appoint another person to be a member of the fire committee.

(13) Where an elected member of a constituent council is appointed by the Mayor to be a member of the fire committee, that constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to that member and also a travelling and subsistence allowance.

(14) In this article—

"fire committee" means the committee referred to in paragraph (2) of this article;

"special responsibility allowance" and "travelling and subsistence allowance" have the same meaning as in the Local Authorities (Members' Allowances) (England) Regulations 2003(**a**).

Fire and rescue functions excluded from the power to make arrangements

6.—(1) This article applies to the fire and rescue functions specified in the following paragraphs of this article.

(2) This paragraph applies to the fire and rescue functions which are specified in the following provisions of the FRS Act 2004—

(a) section 13 (reinforcement schemes);

(b) section 15 (arrangements with other employers of fire-fighters); and

(c) section 16 (arrangements for discharge of functions by others).

(3) This paragraph applies to the function of—

(a) appointing, or dismissing, the person responsible for managing the fire and rescue service;

(b) approving the terms of appointment of that person; and

(c) holding that person to account for managing the fire and rescue service.

(4) This paragraph applies to the function of approving—

(**a**) S.I. 2003/1021; to which there are amendments not relevant to this Order.

(a) the local risk plan; and

(b) the fire and rescue declaration.

(5) This paragraph applies to the function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that—

(a) so far as is reasonably practicable, the GMCA is able to continue to perform its fire and rescue functions if an emergency occurs; and

(b) the GMCA is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it.

(6) This paragraph applies to the function of approving any arrangements for the co-operation of the GMCA in relation to its fire and rescue functions and other general Category 1 responders and general Category 2 responders in respect of the performance of the GMCA's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004(**a**) and any duties under regulations made in exercise of powers under that Act.

(7) In paragraphs (5) and (6) "emergency" has the meaning given in section 1 of the Civil Contingencies Act 2004 for Part 1 of that Act.

Transitional arrangements and asset transfers

Transfer of property, rights and liabilities

7.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 8th May 2017 were property, rights and liabilities of the GMFRA are to transfer to, and by virtue of this paragraph vest in, the GMCA on 8th May 2017.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in connection with the GMCA's fire and rescue functions on or after 8th May 2017—

(a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;

(b) all decisions relating to such property, rights and liabilities are to be made by the Mayor.

(3) Subject to article 6, nothing in paragraph (2) prevents the Mayor from making arrangements under section 107D(3) of the LDEDC Act 2009 in relation to the matters mentioned in paragraph (2).

Secondments

8. In the case of a person who, immediately before 8th May 2017 is seconded to the GMFRA, the secondment is to have effect, after that time, as a secondment to the GMCA.

Continuity

9.—(1) The abolition of the GMFRA, the transfer or abolition of the GMFRA's functions, and the transfer of the GMFRA's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by this Order from the GMFRA to the GMCA.

(3) There may be continued by or in relation to the GMCA anything (including legal proceedings) which—

(**a**) 2004 c.36. Category 1 responders general are listed in Part 1, and category 2 responders general are listed in Part 2 of Schedule 1 to the Civil Contingencies Act 2004. There are amendments to section 2 and Schedule 1 which are not relevant to this Order.

(a) relates to any of the functions, property, rights or liabilities transferred; and

(b) is in the process of being done by or in relation to the GMFRA immediately before 8th May 2017.

(4) Anything which—

(a) was made or done by or in relation to the GMFRA for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and

(b) is in effect immediately before 8th May 2017;

has effect as if made or done by or in relation to the GMCA.

(5) The GMCA is to be substituted for the GMFRA in any instruments, contracts or legal proceedings which—

(a) relate to any of the functions, property, rights or liabilities transferred; and

(b) are made or commenced before 8th May 2017.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Transfers: supplementary provision

10.—(1) All property, rights and liabilities transferred by this Order are to be transferred by that transfer, notwithstanding that they may be or include—

(a) property, rights and liabilities that would not otherwise be capable of being transferred; or

(b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

(a) the grant or creation of an estate or interest in, or right over, any land or other property; or

(b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article, "relevant document" means—

(a) any enactment, other than an enactment contained in the LDEDC Act 2009;

(b) any subordinate legislation made otherwise than under that Act; or

(c) any deed or other instrument.

Extension of financial year of Greater Manchester Fire and Rescue Authority

11.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014(**a**) for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the GMFRA for the financial year which began on 1st April 2016 to require that authority or, after the transfer made by this Order, the GMCA in respect of the GMFRA's accounts, to prepare a statement of accounts from that date for the period which ends on 7th May 2017.

(**a**) 2014 c.2. There are no relevant amendments to section 3.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)("AA Regulations 2015")(**a**) is modified in the case of the GMFRA for the financial year which began on 1st April 2016 to require the responsible financial officer of the GMCA to ensure that the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the AA Regulations 2015 takes place on such a day that ensures that the period referred to in regulation 14(1) of the AA Regulations 2015 includes the 24th July to 4th August 2017.

(3) In this article "responsible financial officer" has the same meaning as in the AA Regulations 2015 (see regulation 2(2)).

Amendment of the Fire and Rescue Services Act 2004

12. In section 1 of the FRS 2004 Act(**b**), after subsection (4) insert—

"(5) This section is also subject to an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act.".

Amendment of the Redundancy Payments (Continuity of Employment in Local Government, etc)(Modification) Order 1999

13. In Section 6 (police, fire and civil defence) of Schedule 1 (employment to which this Order applies: employers immediately before the relevant event) to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**c**), after paragraph 1A insert—

"**1B.** A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 which is a fire and rescue authority for the purposes of the Fire and Rescue Services Act 2004 in relation to persons deployed wholly or partly in relation to the combined authority's fire and rescue functions.".

Schedule

14. The Schedule makes modifications of enactments in their application to the GMCA as a fire and rescue authority.

Name
Minister of State
Home Office

Date

(**a**) S.I. 2015/234.
(**b**) Section 1 has been amended by the substitution of the words "metropolitan county fire and rescue authority" by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).
(**c**) S.I. 1999/2277. Paragraph 1A of section 6 was inserted in relation to England by article 50 of S.I. 2004/3168 and paragraph 3 was amended by the substitution of the words "metropolitan county fire and rescue authority" by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).

SCHEDULE

article 14

Modification of enactments in their application to the GMCA as a fire and rescue authority

PART 1

Primary Legislation

Local Government Act 1972

1. In section 138(5) of the Local Government Act 1972 (powers of principal councils with respect to emergencies or disasters)(**a**), the reference to "metropolitan county fire and rescue authority" is to apply as if it included "the GMCA as a fire and rescue authority".

Greater Manchester Act 1981

2. In the Greater Manchester Act 1981(**b**), references to "the fire authority" are to apply as if they were references to "the GMCA as a fire and rescue authority".

Local Government and Housing Act 1989

3.—(1) The Local Government and Housing Act 1989(**c**) is modified as follows.

(2) In section 67 (application of provisions about companies in which local authorities have interests), subsection (3)(k) applies as if the reference to "joint authority established by Part IV of that Act" included a reference to "the GMCA as a fire and rescue authority".

(3) In section 155 (emergency financial assistance to local authorities) subsection (4)(g) applies as if the reference to a "joint authority established by Part IV of the Local Government Act 1985" included a reference to "the GMCA as a fire and rescue authority".

Crime and Disorder Act 1998

4.—(1) The Crime and Disorder Act 1998(**d**) is modified as follows.

(2) In the definition of "fire and rescue authority" in section 5(5) (authorities responsible for strategies), the reference in paragraph (b) to a "metropolitan county fire and rescue authority" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

(3) In the definition of "relevant authority" in section 115(2), the reference in paragraph (j) to a "metropolitan county fire and rescue authority" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

(**a**) 1972 c.70. Subsection (5) was inserted by section 156(3) of the Local Government and Housing Act 1989 (c. 42) and the words "metropolitan county fire and rescue authority" were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004. Other amendments have been made to section 138 which are not relevant to this Order.

(**b**) 1981 c.ix.

(**c**) 1989 c.42. Section 67 has been repealed by sections 216(1) and 241 of, and Part 16 of Schedule 18 to, the Local Government and Public Involvement in Health Act 2007. The repeal has not yet been brought into force. Section 155(4)(g) has been amended by the substitution of the words "an Integrated Transport Authority" by section 77(5) of, and Part 4 of Schedule 4 to, the Local Transport Act 2008. There are other amendments to section 155 which are not relevant to this Order.

(**d**) 1998 c.37. In section 5(5) the definition of "fire and rescue authority" was substituted by section 53(1) of, and paragraph 89(1), (2)(b) of, Schedule 1 to, the Fire and Rescue Services Act 2004. In paragraph (b) of subsection (5) the words "metropolitan county fire and rescue authority" were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004. There are other amendments to section 5 which are not relevant to this Order. Paragraph (j) of section 115(2) was inserted by section 22 of, and paragraphs 1 and 7(1), (2) of Schedule 9 to, the Police and Criminal Justice Act 2006 c. 48. Other amendments have been made to section 115 which are not relevant to this Order.

Local Government Act 2003

5. Section 23(1) of the Local Government Act 2003 (meaning of "local authority" for purposes of Part 1)(**a**) the reference in paragraph (k) to "a joint authority established by Part IV of that Act" is to apply as if it included a reference to "the GMCA as a fire and rescue authority."

Fire and Rescue Services Act 2004

6.—(1) The FRS Act 2004(**b**) is modified as follows.

(2) Section 4A (power to provide for police and crime commissioner to be fire and rescue authority) has effect as if at the end of subsection (3)(b) there were inserted—

", and

(c) outside the Area.";

(3) Section 4B(1)(changes to existing fire and rescue authorities) has effect as if the reference to fire and rescue authorities in England outside Greater London did not include the GMCA.

PART 2

Secondary legislation

7. In paragraph (a) of the definition of "local authority" in regulation 2(1) of the Pipelines Safety Regulations 1996 (interpretation)(**c**) the reference to a "metropolitan county fire and rescue authority" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

8. In article 1(2) of the Local Government (Best Value Authorities)(Power to Trade)(England) Order 2009 (application of order to best value authorities) (**d**) the reference in paragraph (c) to a "metropolitan county fire and rescue authority" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

9. In regulation 3 of the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 (relevant authorities)(**e**) the reference in paragraph (a) to a "metropolitan county fire and rescue authority established under section 26 of the Local Government Act 1985" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

10.—(1) The Local Government Pension Scheme Regulations 2013(**f**) are modified as follows.

(2) After regulation 64(8), insert—

"(8A) Paragraph (8B) applies where the exiting employer is the GMFRA and the liabilities of the fund in respect of benefits due to the GMFRA's current and former employees (or those of any predecessor authority) have been or are to be transferred to the GMCA by virtue of this Order.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.".

11. In regulation 2(1) of the Explosives Regulations 2014 (interpretation)(**g**) in the definition of "local authority", the reference in paragraph (c) to "a metropolitan county fire and rescue authority" is to apply as if it included a reference to "the GMCA as a fire and rescue authority".

(**a**) 2003 c. 26. In section 23(1)(k), the words "(fire and rescue services and transport)" were substituted by section 32 of, and paragraph 10 of Schedule 2 to, the Civil Contingencies Act 2004.
(**b**) 2004 c. 21. Sections 4A and 4B were inserted by paragraph 5 of Part 1 of Schedule 1 to the Policing and Crime Act 2017.
(**c**) S.I. 1996/825, the words "metropolitan county fire and rescue authority" were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).
(**d**) S.I. 2009/2393.
(**e**) S.I. 2012/1647.
(**f**) S.I. 2013/2356; regulation 64(1) is substituted by regulation 22 of S.I. 2015/755.
(**g**) S.I. 2014/1638; to which there are amendments not relevant to this Order.

12. In regulation 2(1) of the Control of Major Accident Hazards Regulations 2015(**a**) in paragraph (b) of the definition of "local authority", sub-paragraph (ii) is to apply as if there were substituted for that sub-paragraph—

"(ii) the Area, the GMCA as a fire and rescue authority;".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of the functions of the Greater Manchester Fire and Rescue Authority ("the GMFRA") on the Greater Manchester Combined Authority ("the GMCA"). This Order has been made following the publication on 30 June 2016 of a scheme for the conferral of further functions on the GMCA, including the functions of the GMFRA. The scheme is available from the GMCA at Churchgate House, 56 Oxford Street, Manchester M1 6EU or at http://www.greatermanchester-a.gov.uk/download/downloads/id/157/gmca_governance_review_and_scheme_phase_2.pdf

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 ("the LDEDC Act 2009") provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority or public authority under sections 104, 105 and 105A of the LDEDC Act 2009, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 ("the 2016 Act").

The Secretary of State may provide for there to be a mayor for the area of the 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 LDEDC Act 2009.

Article 3 transfers the functions of the GMFRA to the GMCA, and provides that the GMCA is the fire and rescue authority for the area of the combined authority for the purposes of the Fire and Rescue Services Act 2004. The article also abolishes the GMFRA.

Article 4 provides that the fire and rescue functions are to be exercised by the Mayor of the GMCA, and for this purpose the Mayor may exercise similar powers to the GMCA's powers under section 113A of the LDEDC Act 2009. It also provides that members and officers may assist the Mayor in the exercise of these functions.

Article 5 sets out the arrangements which the Mayor may make for the exercise of the fire and rescue functions, subject to the restrictions in article 6. In particular article 5 enables the Mayor to establish a committee to exercise fire and rescue functions subject to the restrictions in article 6.

Articles 7, 8, 9 10 make transitional arrangements and supplementary provisions in relation to the transfer of functions, property, rights and liabilities from the GMFRA to the GMCA.

Article 11 extends the financial year of the GMFRA under section 3 of the Local Audit and Accountability Act 2014, and enables the GMCA to do anything necessary to prepare the accounts of the GMFRA for this period, after the abolition of the GMFRA on 8th May 2017.

Articles 12 and 13 and the Schedule to this Order make consequential amendments and modifications.

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.

(**a**) S.I. 2015/483; to which there are amendments not relevant to this Order.

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