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.

LOCAL GOVERNMENT, ENGLAND

The Greater Manchester Combined Authority (Functions and Amendment) Order 2017

Made - - - -

Coming into force in accordance with article 1

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16. Amendment of the Greater Manchester Combined Authority Order 2011
17. Consequential provision

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a), 105(1) and (3), 105A(1)(a) and (b), (2)(a) and (b), (3)(a) and (b), (4)(a) and (b), 107D(1) and (7)(c), 114(1) and (3), 115(1) and (2)(a) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(**a**) ("the 2009 Act").

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(**b**), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates, and

(b) any consultation required by section 113(2) of the 2009 Act(**c**) has been carried out.

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

In accordance with sections 104(10), 105(3A) and 105B(1)(b) and (2) of the 2009 Act(**e**)—

(a) the councils whose local government 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(**f**), and

(b) the Secretary of State considers that the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates.

(**a**) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) ("the 2016 Act"). Section 105 was amended by sections 6, 9 and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act. Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the 2016 Act. Section 115 was amended by section 23 of, and paragraphs 17 and 27 of Schedule 5 to, the 2016 Act. Section 117(2), (2A) and (3) was substituted by section 13 of the 2011 Act (c. 20). Section 117 was amended by sections 13 and 23 of, and paragraphs 17 and 29 of Schedule 5 to, the 2016 Act.

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

(**c**) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to the 2016 Act.

(**d**) Section 113(3) of the 2009 Act requires the Secretary of State when making an order under sections 104, 105, 106 or 107 of that Act in relation to an existing combined authority to have regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

(**e**) Section 105B was inserted by section 7 of the 2016 Act.

(**f**) This Order relates to the area of the Greater Manchester Combined Authority, which 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). Article 2 of S.I. 2011/908 defines the "combined area" as the area consisting of the areas of the constituent councils, who are the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

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 2009 Act.

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

PART 1

General

Citation and commencement

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

(2) Save as provided in paragraphs (3) and (4) this Order comes into force on the day after the day on which it is made.

(3) Parts 2 and 3 and articles 14, 15, and 16(2) and (4) come into force on 8th May 2017.

(4) Part 4 comes into force on 1st April 2018.

Interpretation

2. In this Order—

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

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

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

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

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

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

"the 2011 Order" means the Greater Manchester Combined Authority Order 2011(**f**);

"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;

"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 the Schedule to this Order, following the designation of an area of land by the GMCA;

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

"GMWDA" means the Greater Manchester Waste Disposal Authority established by the Waste Regulation and Disposal (Authorities) Order 1985(**h**); and

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(**a**) 1989 c. 42.
(**b**) 1999 c. 29.
(**c**) 2000 c. 38.
(**d**) 2003 c. 26.
(**e**) 2011 c. 20.
(**f**) S.I. 2011/908.
(**g**) Article 3(2) of the 2011 Order provides that "the combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority ("the GMCA")".
(**h**) S.I. 1985/1884.

"the Mayor" means the mayor for the Area(**a**), except in the term "the Mayor of London".

PART 2

Mayoral development corporation

Conferral of functions on the GMCA

3.—(1) The GMCA has in relation to the Area functions corresponding to the following functions contained in the following provisions in the 2011 Act, that the Mayor of London has in relation to Greater London—

(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**);

(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).

(2) Any exercise by the GMCA of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of all members of the GMCA appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Mayoral development area.

(3) Any exercise by the GMCA of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of all members of the GMCA appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Mayoral development area.

(4) The exercise by the GMCA 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**) Article 3 of S.I. 2016/448 provides for there to be a mayor for the area of the GMCA.

(**b**) Section 200(9) 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.

(a) the Peak District National Park Authority if the GMCA proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park(**a**);

(b) each member of the GMCA appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the GMCA proposes to exercise the functions.

(5) For the purpose of paragraphs (2), (3) and (4)(b), the consent must be given at a meeting of the GMCA.

Application of provisions in the 2011 Act

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

(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 the Schedule.

(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 this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 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 this Order, 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**) The Peak District National Park Authority was established by article 3 of the National Park Authorities (England) Order 1996 (S.I. 1996/1243), as amended by S.I. 1996/2546, 1997/633, 1999/416, 2006/3165, 2009/557, 2009/837, 2010/490 and 2014/571. Article 3 of S.I. 1996/1243 was restated in article 3 of the National Park Authorities (England) Order 2015 (S.I. 2015/770).

(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 424 of the 1999 Act (interpretation)(**g**);

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

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

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

Incidental provisions

5. 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)(**j**), and

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

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

7. Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

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

(**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 (c. 7) and article 2 of 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 (c. 13), 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 (c. 28), paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.

(**g**) 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.

(**h**) 2004 c. 5. Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(**i**) 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.

(**j**) 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) and paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**k**) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.

(**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 Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.

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

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

(d) subsection (7) were omitted.

PART 3

Grants

Power to pay grant

8.—(1) The functions of a Minister of the Crown(**a**) specified in section 31 of the 2003 Act (power to pay grant) are functions of the GMCA that are exercisable in relation to the Area.

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

(3) Paragraph (4) applies where, in exercising functions under paragraphs (1) and (2), the GMCA 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 highways functions.

(4) In determining that amount, the GMCA must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

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

(6) For the purposes of the exercise by the GMCA of the functions specified in paragraphs (1) and (2), 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 GMCA,

(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 it (the grant) were references to the GMCA;

(d) subsection (6) were omitted.

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

PART 4

Waste Disposal

Abolition and transfer of functions

9.—(1) The functions of the GMWDA are functions of the GMCA that are exercisable in relation to the local government areas of the constituent councils other than the district council for the local government area of Wigan.

(2) The GMWDA is abolished and all property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 1st April 2018 were

(**a**) See section 105A(9) of the 2009 Act for the definition of "Minister of the Crown".

property, rights and liabilities of the GMWDA are to transfer to, and by virtue of this paragraph vest in, the GMCA on 1st April 2018.

(3) In this Part, "GMWDA area" means the local government areas of the constituent councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford.

Adaptation of enactments

10.—(1) This article has effect in consequence of article 9.

(2) Subject to paragraph (3) and to the following provisions of this article—

(a) any reference to the GMWDA,

(b) any reference to a waste disposal authority, or

(c) any reference which falls to be read as a reference to such an authority,

in any enactment (whenever passed or made) is to be treated, in its application to the GMWDA area, as if it were to the GMCA in respect of the functions conferred on the GMCA by article 9(1).

(3) Paragraph (2) does not apply to the following enactments—

(a) section 2 of the Local Government (Records) Act 1962 (acquisition and deposit of records)(**a**);

(b) Part 8 of the Local Government Finance Act 1988 (interpretation)(**b**);

(c) section 74 (transfer of land and other property to housing) of and paragraph 12 of Schedule 1 (tenancies which cannot be assured tenancies) to the Housing Act 1988(**c**);

(d) Part 1 and sections 150 (power to allow charges), 151 (power to amend provisions about charges) and 152 (interpretation, consultation and commencement of ss. 150 and 151) of the 1989 Act;

(e) section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance)(**d**);

(f) Part 2 of the Deregulation and Contracting Out Act 1994 ("Local authority": England)(**e**);

(g) section 3 of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants)(**f**);

(h) section 1 of the Local Government Act 1999 (best value authorities)(**g**);

(i) paragraph 15 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**h**);

(j) Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter: partner authorities);

(k) sections 34 (mutual insurance) and 35 of the 2009 Act (mutual insurance: supplementary)(**i**);

(**a**) 1962 c. 56. Section 2 was amended by paragraph 22 of Schedule 8 to the Local Government Act 1985 (c. 51). There are other amendments but none are relevant.

(**b**) 1988 c. 41.

(**c**) 1988 c. 50. Section 74 was amended by section 119 of, and paragraph 79 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.

(**d**) 1993 c. 25. Section 1 was amended by section 119 of, and paragraph 83 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.

(**e**) 1994 c. 40.

(**f**) 1996 c. 53. Section 3 was amended by section 119 of, and paragraph 88 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.

(**g**) 1999 c. 24. Section 1 was amended by section 119 of, and paragraph 91 of Schedule 6 to, the 2009 Act; and by section 23 of, and paragraph 15 of Schedule 5 to, the 2016 Act. There are other amendments but none are relevant.

(**h**) 2000 c. 36. Schedule 1 was amended by section 119 of, and paragraph 94 of Schedule 6 to, the 2009 Act. There are other amendments but none are relevant.

(**i**) Section 35 was amended by section 99 of, and paragraph 376 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 237 of, and paragraph 1 of Part 32 of Schedule 25 to, the 2011 Act; and by section 59 of, and paragraph 6 of Schedule 13 to, the Deregulation Act 2015.

(l) section 210 (reports on improving efficiency and sustainability of buildings owned by local authorities) and paragraph 11 of Schedule 20 to the Housing and Planning Act 2016 (authorities specified for purposes of section 210 (reports on improving efficiency and sustainability of buildings owned by local authorities))(**a**);

(m) paragraph 4 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**b**);

(n) the Schedule to the Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012(**c**);

(o) paragraph 1 of the Schedule to the Whole of Government Accounts (Designation of Bodies) Order 2015(**d**); and

(p) article 2 of the Audit Commission for Local Authorities and the National Health Service in England (Specified Organisations) (England) Order 2009(**e**).

Continuity

11.—(1) Nothing in articles 9 or 10 affects the validity of anything done by or in relation to the GMWDA before the commencement date of this Part as specified in article 1(4).

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

(a) relates to any of the functions conferred by article 9(1);

(b) relates to the property, rights or liabilities transferred to the GMCA; and

(c) is in the process of being done by or in relation to the GMWDA immediately before the commencement date.

(3) Anything which—

(a) was made or done by or in relation to the GMWDA for the purposes of or otherwise in connection with any of the functions conferred by article 9(1) or the property, rights or liabilities transferred by that article; and

(b) is in effect immediately before article 9(1) comes into force,

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

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

(a) relate to any of the functions conferred by article 9(1) or to the property, rights or liabilities transferred by that article; and

(b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the GMWDA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the GMWDA.

(6) Without prejudice to the generality of this article a levy issued by the GMWDA under section 74 of the Local Government Finance Act 1988 (levies)(**f**) and in accordance with the Joint

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(**a**) 2016 c. 22.
(**b**) S.I. 1999/2277.
(**c**) S.I. 2012/1644.
(**d**) S.I. 2015/1655.
(**e**) S.I. 2009/1360.
(**f**) Section 74 was amended by section 117 of, and paragraph 72 of Schedule 13 to, the Local Government Finance Act 1992 (c. 14); section 20 of, and paragraph 21 of Schedule 6 to, the Local Government (Wales) Act 1994 (c. 19); section 120 of, and paragraph 1 of Schedule 24 to, the Environment Act 1995; section 105 of the 1999 Act; section 109 of, and paragraph 305(a) of Schedule 8 to, the Courts Act 2003 (c. 39); section 53 of, and paragraph 68 of Schedule 1 to, the Fire and Rescue Services Act 2004 (c. 21); section 22 of, and paragraph 16 of Part 2 of Schedule 1 to, the Local Government and Involvement in Public Health Act 2007; sections 119 and 146 of, and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to, the 2009 Act; section 99 of, and paragraphs 181 and 182 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; section 79 of, and paragraphs 1 and 2 of Schedule 7 to, the 2011 Act; section 9(1)(a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to, the 2016 Act; and by S.I. 1994/2825.

Waste Disposal Authorities (Levies) (England) Regulations 2006(**a**) to the councils within the GMWDA area in respect of the financial year beginning 1st April 2018 is to have effect for that year as if it had been so issued by the GMCA.

(7) The property, rights and liabilities of the GMWDA are to be transferred by this Order, 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.

(8) 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).

(9) 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.

(10) Paragraphs (7) to (9) 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.

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

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

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

(c) any deed or other instrument.

PART 5

Funding

Funding

12.—(1) Subject to paragraph (5), the constituent councils must ensure that any reasonably incurred costs of the GMCA are met in relation to the functions conferred by this Order to the extent that the GMCA has not decided to meet these costs from other resources available to the GMCA.

(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 specified in articles 15(1) to the extent that the Mayor has not decided to meet these costs from other resources available to the GMCA.

(3) Subject to paragraphs (5) and (6), any amount payable by each of the constituent councils to ensure that the costs of the GMCA referred to in paragraphs (1) and (2) are met 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 accordance with the proportion to the total resident population of the GMCA which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board(**b**).

(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)—

(**a**) S.I. 2006/248.

(**b**) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

(i) the Mayor must agree with the GMCA 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 district council for the local government area of Wigan does not have to meet any costs of the GMCA in relation to functions conferred under Part 4 (waste disposal).

(6) The resident population for the district council for the local government area of Wigan is to be excluded from any calculation of the total resident population made under paragraph (3) in relation to functions conferred under Part 4 (waste disposal).

(7) For the purposes of paragraph (3) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

PART 6

Data sharing; delegation of functions; mayoral functions

Data sharing

13.—(1) The functions of the constituent councils contained in section 17A of the Crime and Disorder Act 1998 (sharing of information)(**b**)are exercisable by the GMCA in relation to its area.

(2) The GMCA is a relevant authority for the purposes of section 115 of the Crime and Disorder Act 1998 (disclosure of information)(**c**).

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

(4) The GMCA is a local enforcing authority for the purposes of section 113 of the Environment Act 1995 (disclosure of information)(**d**) in consequence of the functions conferred by paragraphs 3 to 5 of Schedule 3 to the 2011 Order.

(5) The GMCA is to be treated as a local authority in consequence of the functions conferred by paragraph 6 to Schedule 3 to the 2011 Order and article 12(1)(a) to (d) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016(**e**) for the purposes of section 122 of the Apprenticeships, Skills, Children and Learning Act 2009 (sharing of information for education and training purposes)(**f**).

(6) The GMCA is to be treated as a local authority in consequence of the functions conferred by article 12(1)(e) to (i) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016 for the purposes of—

(**a**) Section 40 was amended by section 83 of the 1999 Act, section 79 of, and paragraphs 1, 7 and 17 of Schedule 7 to, the Localism Act 2011 and section 5 of the 2016 Act.

(**b**) 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

(**c**) Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); and by S.I. 2000/90, S.I. 2002/2469, S.I 2007/961, S.I 2008/912, S.I. 2010/866 and S.I. 2013/602.

(**d**) 1995 c. 25. Section 113 was amended by section 6 of, and paragraphs 14 and 18 of Schedule 2 to, and by paragraph 1 of Schedule 3 to, the Pollution Prevention and Control Act 1999 (c. 24) and by S.I. 2000/1973.

(**e**) S.I. 2016/1267.

(**f**) Section 122 was amended by section 67 of, and paragraphs 46 and 48 of Schedule 16 to, the Education Act 2011; section 64 of, and paragraphs 1 and 28 of Part 1 of Schedule 14 to, the Deregulation Act 2015; paragraphs 1 and 7 of Schedule 4 to the Deregulation Act 2016 (c. 12); and by S.I. 2010/1158.

(a) section 14 of the 2008 Act (educational institutions: duty to provide information)(**a**);

(b) section 16 of the 2008 Act (supply of information by public bodies)(**b**);

(c) section 17 of the 2008 Act (sharing and use of information held for purposes of support services or functions under this Part)(**c**); and

(d) section 77 of the 2008 Act (supply of information by public bodies)(**d**).

(7) In this article, "the 2008 Act" means the Education and Skills Act 2008(**e**).

Arrangements for delegation of general functions of the Mayor

14. In arrangements made under section 107D(3)(b) and (7)(b) of the 2009 Act (functions of mayors: general) the Greater Manchester Passenger Transport Executive(**f**) is to be treated as if it were an officer of the GMCA.

Functions exercisable only by the mayor

15.—(1) The functions of the GMCA corresponding to the functions in the following enactments are general functions exercisable only by the Mayor(**g**)—

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

(b) section 31 of the 2003 Act;

(c) the following provisions of Part 2 of the 2000 Act—

(i) section 108(1)(a)(**h**) (local transport plans);

(ii) section 108(3)(**i**);

(iii) section 109(**j**) (further provision about plans: England);

(d) the following provisions of Part 2 of the 2000 Act, to the extent that they apply in relation to functions exercisable by the Mayor—

(i) section 108(1)(b);

(ii) section 108(2ZA) and (2ZB)(**k**);

(iii) section 108(3B)(**l**); and

(iv) section 112(**m**) (plans and strategies: supplementary).

(2) For the purposes of the exercise of general functions—

(a) members and officers of the GMCA may assist the Mayor; and

---

(**a**) Section 14 was amended by S.I. 2010/1158.

(**b**) Section 16 was amended by section 55 of, and paragraphs 168 and 169 of Schedule 15 to, the Health and Social Care Act 2012 and by S.I. 2010/1080 and S.I. 2010/1158.

(**c**) Section 17 was amended by section 254 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 82 of, and paragraphs 82 and 84 of Part 2 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by S.I. 2010/1158.

(**d**) Section 77 was amended by section 67 of, and paragraphs 40 and 43 of Schedule 16 to, the Education Act 2011(c. 21); section 55 of, and paragraphs 168 and 170 of Schedule 15 to, the Health and Social Care Act 2012; section 64 of, and paragraphs 60 and 63 of Part 2 of Schedule 14 to, the Deregulation Act 2015 (c. 20); and by S.I. 2010/1080 and S.I. 2010/1158.

(**e**) 2008 c. 25.

(**f**) The Greater Manchester Passenger Transport Executive was established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969 (S.I. 1969/95).

(**g**) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to "general functions", in relation to a Mayor for the area of a combined authority, are to any functions exercisable by the Mayor other than PCC functions.

(**h**) Subsection (1)(a) was amended by Part 1 of Schedule 7 to the Local Transport Act 2008.

(**i**) Subsection (3) was substituted, for subsection (3) as originally enacted, by section 9(1) of the Local Transport Act 2008.

(**j**) Section 109 was amended by paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and paragraph 97 of Schedule 6 to the 2009 Act.

(**k**) Subsections (2ZA) and (2ZB) were inserted by section 8(4) of the Local Transport Act 2008.

(**l**) Subsection (3B) was inserted by section 9(1) of the Local Transport Act 2008.

(**m**) Section 112 was amended by sections 10 and 11 of, and Part 1 of Schedule 7 to, the Local Transport Act 2008, and by section 211 of, and paragraph 48 of Schedule 26 to, the Equality Act 2010 (c. 15), as inserted by S.I. 2010/2279.

(b) the Mayor has the power to do in relation to the general functions anything that the GMCA may do under section 113A of the 2009 Act (general power of EPB or combined authority) for the purposes of its functions(**a**).

(3) Any exercise by the Mayor of the general functions mentioned in paragraph (1)(c)(i) and (ii) or the functions in section 109 (1) or (2) of the 2000 Act requires a vote in favour by members of the GMCA, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA, in accordance with the voting arrangements set out at paragraph 3(2C) and (2D) of Schedule 1 to the 2011 Order.

(4) The Mayor may not make arrangements in accordance with section 107D(3) of the 2009 Act(**b**) in relation to the level or amount of earn back to be used or allocated to any exercise of a general function.

(5) Anything which, immediately before 8th May 2017, is in the process of being done by or in relation to the GMCA or by or in relation to a constituent council for the purposes of or in connection with the general functions mentioned in paragraph (1) or in relation to earn back, is to be treated as having been done by or in relation to the Mayor.

(6) In paragraphs (4) and (5) "earn back" means the arrangements specified in paragraph 17 of the Greater Manchester Agreement of 3rd November 2014(**c**).

PART 7

Amendment of the Greater Manchester Combined Authority Order 2011; consequential provision

Amendment of the Greater Manchester Combined Authority Order 2011

16.—(1) Schedule 1 (constitution) to the 2011 Order is amended as set out in the following paragraphs.

(2) In paragraph 3 (proceedings)—

(a) in sub-paragraph (1)—

(i) after "(2B)" insert "(2C), (2D), (2E) and (2F)";

(ii) for "and (4)" substitute ", (4) and (4A)".

(b) after sub-paragraph (2B) insert—

"(2C) Subject to sub-paragraph (2D), questions relating to the adoption, amendment, modification, revision, variation, withdrawal or revocation or replacement of a local transport plan under the following provisions of the Transport Act 2000(**d**) require a vote in favour by at least 8 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA—

(a) section 108(1)(a) (local transport plans);

(b) section 108(3) (local transport plans); and

(c) section 109(1) and (2) (further provision about plans: England).

(**a**) Section 113A was inserted by section 13 of the 2011 Act and amended by section 23 of, and paragraph 25 of Schedule 5 to, the 2016 Act.

(**b**) Section 107D(3) of the 2009 Act provides for the mayor for the area of a combined authority to make arrangements for the exercise of any general function of the mayor.

(**c**) The Greater Manchester Agreement of 3rd November 2014 is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf. A written copy of the Greater Manchester Agreement of 3 November 2014 is available on request from the Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

(**d**) 2000 c. 38. Sections 108 and 109 were amended by sections 7(1) and (2), 8 and 9 of, and paragraphs 41 and 42 of Part 3 of Schedule 4 and Part 1 of Schedule 7 to the Local Transport Act 2008 (c. 26), and by paragraphs 95 to 97 of the 2009 Act.

(2D) The following plans may be amended by a vote in favour by at least 7 members or substitute members acting in place of those members, appointed by the constituent councils present and voting on that question at a meeting of the GMCA—

(a) a draft policy or a draft local transport plan prepared by the Mayor under sections 108(1)(a) or (3) (local transport plans) of the 2000 Act; or

(b) a draft alteration or replacement of the local transport plan prepared under sections 109(1) and (2) (further provision about plans: England) of the 2000 Act.

(2E) In relation to functions conferred under Part 4 (waste disposal) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017—

(a) the member for the GMCA appointed by the district council for the local government area of Wigan, or any substitute member acting in place of that member does not have a vote; and

(b) subject to sub-paragraph (a), decisions relating to levying and budgets require a vote in favour by at least 7 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA.

(2F) In relation to functions conferred under article 3(1) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017, the Mayor or the deputy Mayor acting in place of the Mayor(**a**) cannot—

(a) participate in any consideration under section 197(3)(f) (designation of Mayoral development areas) of the Localism Act 2011; or

(b) be included as a consultee for the purposes of section 197(4)(a) of that Act.";

(c) sub-paragraph (3)(a)(ii) is omitted; and

(d) after sub-paragraph (4), insert—

"(4A) Questions relating to the use of earn back budget as described in paragraph 17 of the Greater Manchester Agreement of 3rd November 2014(**b**) cannot be carried without the vote of the Mayor or the deputy Mayor acting in place of the Mayor.".

(3) After paragraph 3 (proceedings) insert—

"Committees– general

3A.—(1) Save as provided in paragraph (2), the GMCA must, when appointing members of a committee or a sub-committee of the GMCA, appoint such number of members of each of the constituent councils, so that the members of the committee drawn from the constituent councils taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among the constituent councils when taken together.

(2) If the GMCA appoint a committee to exercise any of the functions conferred by article 9(1) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017, the GMCA must appoint such number of members of the councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford, so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among these councils when taken together.

(**a**) Section 107C of the 2009 Act provides that the deputy mayor must act in place of the mayor if for any reason the mayor is unable to act or if the office of mayor is vacant.

(**b**) The budget relates to the quantum of the earn back deal of £900 million over 30 years, which is subject to an assessment every 5 years. The Greater Manchester Agreement of 3 November 2014 is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf.

Independent remuneration panel

3B.—(1) The GMCA may establish an independent remuneration panel who may make recommendations to the GMCA and to the constituent councils regarding the allowances payable to—

(a) members appointed to the GMCA; and

(b) the Mayor.

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

(a) is also a member of the GMCA or is a member of a committee or sub-committee of the GMCA or a member of a constituent council of the GMCA; or

(b) is disqualified from being or becoming a member of the GMCA.

(3) The GMCA 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 GMCA may determine.

Remuneration

3C.—(1) Save as provided for in sub-paragraphs (2) and (3)(a), no remuneration is to be payable by the GMCA to its members other than allowances for travel and subsistence.

(2) The GMCA may only pay an allowance to the Mayor if the GMCA has considered recommendations made by the independent remuneration panel established under paragraph (3B) which contains recommendations for the payment of such an allowance.

(3) Where the independent remuneration panel recommends the payment of an allowance—

(a) the GMCA must pay an allowance not exceeding the allowance recommended by the independent remuneration panel to the Mayor; and

(b) the constituent council may, in accordance with its own scheme of allowances, pay an allowance not exceeding the allowance recommended by the independent remuneration panel to an elected member of that council.".

(4) After paragraph (5) (standing orders) insert—

"Overview and scrutiny committees

5A. The GMCA must ensure the appointment of an appropriate person (as defined by paragraph 3(5) of Schedule 5A to the 2009 Act(**a**)) to be the chairman of any overview and scrutiny committee appointed by the GMCA or any sub-committee of such an overview and scrutiny committee.".

(5) Omit paragraph 6 (remuneration).

Consequential provision

17.—(1) Regulation 64 of the Local Government Pension Scheme Regulations 2013 (special circumstances where revised actuarial valuations and certificates must be obtained)(**b**) has effect in relation to the GMCA as though after paragraph (8) there were inserted—

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

(**a**) Schedule 5A was inserted by section 8 of and Schedule 3 to the 2016 Act.
(**b**) S.I. 2013/2356. Regulation 64 was amended by S.I. 2014/1146 and by S.I. 2015/755.

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

(2) For the purposes of section 104(1)(a) of the 2009 Act (constitution) section 84(2)(a) of the Local Transport Act 2008 (constitutional arrangements)(**a**) applies in relation to a committee or sub-committee of the GMCA as it applies to members of the GMCA.

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

SCHEDULE

Article 4(1) and (2)

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) is modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) is to be read as if—

(a) the definition of "the Mayor" were omitted;

(b) the definition of "MDC" were omitted; and

(c) at the appropriate places there were inserted—

""the Area" means the area of the GMCA;";

""the GMCA" means the Greater Manchester Combined Authority, established by the Greater Manchester Combined Authority Order 2011;";

""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 GMCA;";

""National Park" means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015(**b**);"; and

""National Park authority" means a National Park authority for a National Park.".

(3) Sections 196 to 222 of the 2011 Act has effect as if for every reference to—

(a) "the Greater London Authority" there were substituted "the GMCA"; and

(b) "the Mayor" there were substituted "the GMCA" except for the occurrences in sections 197(3)(d) and (e), 199(2), 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)—

(i) in paragraph (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**)";

(ii) in paragraph (d)—

(**a**) 2008 c. 26.
(**b**) S.I. 2015/770.
(**c**) Article 10 of, and Schedule 3 to, the Greater Manchester Combined Authority Order 2011 confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

(aa) for "the London Assembly" there were substituted "the members of the GMCA who are appointed by the constituent councils (including substitute members, acting in place of those members)"

(bb) for "the Mayor" there were substituted "the Mayor for the Area"; and

(cc) for "subsection (4)(d), (e), (f) or (g)" there were substituted "subsection 4(d) and (e)"; and

(iii) in paragraph (e)—

(aa) for "the Mayor" there were substituted "the Mayor for the Area"; and

(bb) for "the London Assembly" there were substituted "the GMCA";

(iv) in paragraph (f) for "the London Assembly" there were substituted "the GMCA";

(c) in subsection (4)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the members of the GMCA 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 a reference to "each district council or county 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 "a National Park authority if any part of the area is within a National Park,";

(v) paragraphs (f) and (g) were omitted;

(d) in subsection (5)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the GMCA",

(ii) in paragraph (b) for "the London Assembly" there were substituted "the GMCA",

(iii) in paragraph (b)(i) for "the Assembly" there were substituted "the GMCA",

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

(e) in subsection (6)(c) for "Mayoral development corporation" there were substituted "Corporation"; and

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

(b) in subsection (2) 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 reference to "a district council or county 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 a reference to "in the Area";

(iv) paragraphs (f) to (h) were omitted;

(v) paragraph (k) were omitted;

(b) in subsection (4) paragraph (b) were omitted;

(c) subsection (7) were omitted;

(d) subsection (8) were omitted; and

(e) in subsection (10), the definitions of a "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 GMCA who are appointed by the constituent councils (including substitute members, acting in place of those members)", and

(c) in the definition of "affected authority","(f) or (g)" were omitted.

(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 reference to "a district council, county council or a National Park authority"; and

(b) in sub-sections (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 a reference to "in the Area"; and

(b) in subsection (3) for the words "the Mayor of London" there were substituted "the GMCA".

(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 GMCA who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council or county council wholly or partly in the Area"; and

(c) in subsection (4) the definition of "an 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 or county council wholly or partly within the Area", and

(cc) paragraph (e) were omitted.

(14) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—

(a) for each reference to—

(i) "the Mayor" there were substituted "the GMCA", except for the reference in paragraph 1(1);

(ii) "the Mayor's" there were substituted "the GMCA's";

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

(c) in paragraph 1(1)—

(i) for the reference to "Mayoral development corporation ("MDC")" there were substituted "Corporation";

(ii) for the reference to "the Mayor of London ("the Mayor")" there were substituted "the GMCA";

(d) in paragraph 1(2) for the reference to "each relevant London council" there were substituted a reference to "each relevant district council or county council";

(e) 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 or county council";

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

(g) in paragraph 4(4) for the reference to "the London Assembly" there were substituted a reference to "the GMCA";

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

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions of local authorities and other public authorities on the Greater Manchester Combined Authority ("the GMCA").

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 authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104, 105 and 105A of the 2009 Act.

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.

Article 3 of the Order provides that the GMCA is to have in relation to its area functions corresponding to the functions that the Mayor of London has under the Localism Act 2011 in relation to Mayoral development areas and Mayoral development corporations. It also provides that any designation of a Mayoral development area by the GMCA requires the consent of all members of the GMCA who are elected members of a constituent council whose council area contains any part of the area to be designated as a mayoral development area.

Article 4 and the *Schedule* applies Chapter 2 of Part 8 (Mayoral development corporations) of, and Schedule 21 (Mayoral development corporations), Schedule 22 (Mayoral development corporations: consequential and other amendments), and paragraph 9 of Schedule 24 (transfers under scheme under section 200(1) or (4) or 216(1)) to, the Localism Act 2011 in relation to areas designated by the GMCA and corporations established as a consequence of such designation.

Articles 5 and *6* apply sections 1 (disqualification and political restriction of certain officers and staff), 2 and 3A (politically restricted posts and exemptions from restriction) of the Local Government and Housing Act 1989 in relation to a Mayoral development corporation established as a consequence of this Order as if it were a local authority and section 5 of that Act (designation and reports of monitoring officer) as if a mayoral development corporation established as a consequence of this Order were a committee of the GMCA. *Article 7* applies section 32 of the Local Government Act 2003 to ensure that a Minister of the Crown has power to pay a grant under section 31(1) of the Local Government Act 2003 towards expenditure incurred or to be incurred by a Corporation.

Part 3 of the Order confers further grant functions on the GMCA in relation to its area. *Article 8* provides for the GMCA to pay a grant under section 31 of the Local Government Act 2003 to constituent councils, including in respect of their highways functions, which is exercisable concurrently with a Minister of the Crown.

Part 4 of the Order concerns the waste disposal functions of the combined authority. *Article 9* dissolves the Greater Manchester Waste Disposal Authority and transfers its functions to the GMCA. *Article 10* makes general adaptations to primary and subordinate legislation, so that references to the Greater Manchester Waste Disposal Authority, a waste disposal authority or area are to be treated as referring to the GMCA and extending to the areas of the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford. *Article 11* provides for continuity when functions, property, rights and liabilities are transferred under Part 4 of this Order.

Part 5 of the Order makes provision for the funding of the functions conferred on the GMCA. *Article 12* provides that the functions are to be funded by contributions from the GMCA's constituent councils.

Part 6 of the Order provides for miscellaneous matters. *Article 13* provides data-sharing powers to the GMCA for the exercise of its functions. *Article 14* provides for the Greater Manchester Passenger Transport Executive (Transport for Greater Manchester) to be treated as an officer of the GMCA for the purposes of arrangements made by the Mayor under section 107D(3)(b) of the 2009 Act to exercise any general function of the Mayor. Article *15* sets out the functions of the GMCA which are to be only exercisable by the Mayor, including how general functions of the Mayor are to apply to the earn back provision in paragraph 17 of the Greater Manchester Agreement of 3 November 2014, which is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf.

Part 7 of the Order provides for amendments to the Greater Manchester Combined Authority 2011 which establishes the GMCA. *Article 16* makes provision in the GMCA's constitution relating to the GMCA's voting arrangements, overview and scrutiny committee and other committees and remuneration. *Article 17* modifies the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356) to prevent an exit payment from its pension fund being made on the abolition of the Greater Manchester Waste Disposal Authority, and applies section 84(2)(a) of the Local Transport Act 2008 to committees and sub-committees of the GMCA.

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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