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.

DRAFT STATUTORY INSTRUMENTS

2018 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

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

Made - - - - ***

Coming into force in accordance with article 1

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This Order is made in exercise of the powers conferred by sections 103(1), 104(1)(a), 105(1) and (3), 105A(1)(a) and (b)(**a**), (2) and (3)(b), 106(1)(b), 107A(1)(**b**), 107D(1), (7)(a), (b), (c), (d) and (e), 114(1), 115(1) and 117(5) of and paragraphs 3 and 4 of Schedule 5A and paragraph 3 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009(**c**).

The Secretary of State, having had regard to a scheme prepared and published under sections 109 and 112 of the 2009 Act, considers that—

(a) in accordance with the requirements of sections 110(1) and 113(1)(a) the making of this Order is likely to improve the exercise of the statutory functions in the area to which this Order relates, and

(b) a consultation has been carried out in accordance with section 110(2)(b) and 113(2)(b) and the Secretary of State considers that no further consultation is necessary.

The Secretary of State is satisfied that the areas to which this Order relates meet the conditions set out in section 103(2) and (5) and 106(2)(a) of the 2009 Act.

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

The councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland have consented to the making of this Order in so far as their consent is required in accordance with sections 104(10), 105(3A)(a), 107D(9) and 110(1)(b) of the 2009 Act.

The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority and the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland have consented to the making of this Order in so far as their consent is required in accordance with section 106(3A).

The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority and its constituent councils have consented to the making of Part 3 (Transport) of and Part 2 of Schedule 5 (amendments to 2014 Order as a consequence of establishment of joint transport committee) to this Order in so far as their consent is required in accordance with section 104(10).

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.

(**a**) The conditions for making an order under section 105A are met as a proposal for the making of the order in relation to the combined authority was made to the Secretary of State by the appropriate authorities in accordance with section 105B(1)(a).

(**b**) The conditions for making an order under section 107A are met as a proposal for the making of the order in relation to the combined authority was made to the Secretary of State by the appropriate authorities in accordance with section 107B(1).

(**c**) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1) ("the 2016 Act"). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, 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 106 was amended by section 12, 14 and Schedule 5 to the 2016 Act. Section 107A was inserted by section 2 of the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act and amended by section 8 of the Policing and Crime Act 2017. Section 114 was amended by Schedule 5 to the 2016 Act. Section 115 was amended by Schedule 5 to the 2016 Act. Subsections (2), (2A) and (3) of section 117 were substituted by section 13 of the Localism Act 2011 (c. 20) and section 117(5) was inserted by paragraph 29 of Schedule 5 to the 2016 Act. Schedules 5A and 5B were inserted by Schedules 3 and 1 respectively to the 2016 Act.

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.

PART 1

General

Citation and commencement

1. This Order may be cited as the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order other than in Schedule 5—

"the 1985 Act" means the Housing Act 1985(**a**)

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

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

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

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

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

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

"the 2014 Order" means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014(**g**);

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

"the Combined Authority" means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;

"the commencement date" means the date on which this Order comes into force;

"constituent councils" means the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland;

"Corporation" means a corporation established by the Secretary of State in accordance with section 198 of the 2011 Act, as modified by Schedule 4 to this Order, following the designation of an area of land by the Combined Authority;

"Interim Mayor" means the additional member appointed in accordance with paragraph 2 of Schedule 1;

"ITA" means the Tyne and Wear Integrated Transport Authority;

"Mayor" means the mayor for the combined area as provided for by article 5, except in the term "Interim Mayor" or "Mayor of London";

"joint transport committee" means the committee appointed under article 8;

"the Local Enterprise Partnership" means the board of the North East Local Enterprise Partnership.

(**a**) 1985 c.68
(**b**) 1989 c. 42.
(**c**) 1999 c. 29.
(**d**) 2003 c. 26.
(**e**) 2008 c. 17.
(**f**) 2011 c. 20.
(**g**) S.I. 2014/1012.

PART 2

Establishment of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority

Establishment of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority and renaming of the former Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority

3.—(1) The Combined Authority is established for the combined area.

(2) The Combined Authority is to be a body corporate and to be known as the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

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

(4) The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by article 3 of the 2014 Order is to be known as the Durham, Gateshead, South Tyneside and Sunderland Combined Authority.

Constitution of the Combined Authority

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

Mayor

5.—(1) There is to be a Mayor for the combined area.

(2) The first election for the return of a Mayor is to take place on 2nd May 2019.

(3) Subsequent elections for the return of a Mayor must take place—

(a) on the ordinary day of election in 2024; and

(b) in each subsequent fourth year on the same day as the ordinary day of election.

(4) The Mayor's term of office—

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

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

(5) In this article, "the ordinary day of election", in relation to any year, means the day which is the ordinary day of election in that year of councillors for counties in England and districts in accordance with sections 37 and 37A of the Representation of the People Act 1983(**a**).

Political advisers

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

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

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

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

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(**a**) 1983 c. 2. Section 37 was amended by section 18 (2) of the Representation of the People Act 1985 (c.50), section 17 of and Schedule 3 to the Greater London Authority Act 1999 (c. 29),section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28) and section 6(16) of the Wales Act 2017 (c.4). Section 37A was inserted by section 60(2) of the Local Government and Public Involvement in Health Act 2007.

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

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

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups(**a**)), apply in relation to an appointment under paragraph (1) as if—

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

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

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

PART 3

Transport

Transfer of functions etc. relating to transport

7.—(1) The following functions are transferred to the Combined Authority—

(a) the functions of an integrated transport authority which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;

(b) the functions of a county council under Parts 4 and 5 of the Transport Act 1985(**b**) which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area;

(c) the functions of a county council as local transport authority under Part 2 of the Transport Act 2000(**c**) which were exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date insofar as they relate to the combined area; and

(d) the issuing of levies in respect of the costs relating to the combined area reasonably attributable to the exercise of functions relating to transport under section 74 of the Local Government Finance Act 1988(**d**) to the councils for the local government areas of—

(i) Newcastle Upon Tyne;

(ii) North Tyneside; and

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

(**b**) 1985 c.67

(**c**) 2000 c.38

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

(iii) Northumberland.

(2) Subject to paragraph (3), the property, rights and liabilities that were transferred to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority under article 6(2)(b) of the 2014 Order, and any other such property, rights and liabilities which have subsequently accrued to that authority in consequence of that transfer are to be held jointly by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority.

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

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

(a) any reference to an integrated transport area; or

(b) any reference which falls to be read as a reference to such an area,

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

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

(a) any reference to any integrated transport authority; or

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

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

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

(a) a function of a county council under Part 4 or 5 of the Transport Act 1985, or

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

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

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

(a) a function of a county council under Part 4 or 5 of the Transport Act 1985; or

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

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

Establishment of joint transport committee

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

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

Functions to be exercised by joint transport committee

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

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

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

(c) the functions of an integrated transport authority or county council which are exercisable by the Combined Authority by virtue of article 7(1)(a) to (c) and (4) to (7) of this Order;

(d) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as Authorities under Part 2 of the Transport Act 1968(**a**);

(e) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as combined authorities under Parts 4 and 5 of the Transport Act 1985;

(f) the functions of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as local transport authorities under Part 2 of the Transport Act 2000;

(g) anything to be done in relation to the property, rights and liabilities referred to in article 7(2); and

(h) the setting of any transport levy to be issued under article 27(5) of this Order or article 5(3) of the 2014 Order.

(2) The joint transport committee may arrange for the exercise of any of the functions referred to in paragraph (1) by—

(a) the constituent council for the area in relation to which the function is to be exercised;

(b) an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or

(c) a sub-committee appointed in accordance with paragraph (3).

(3) The membership of a sub-committee of the joint transport committee is to be determined by the joint transport committee and may include any—

(a) member or substitute member of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; or

(b) member of a constituent council appointed to the sub-committee by that council.

(4) For the purposes of exercising the functions mentioned in paragraph (1) the joint transport committee may do anything that the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)(**b**).

(5) The joint transport committee must designate an officer of the Combined Authority or the Durham, Gateshead, South Tyneside and Sunderland Combined Authority as the proper officer for transport being the principal officer to assist the committee in its exercise of the transport functions exercisable by the committee under paragraph (1).

(6) Any arrangements made by the joint transport committee under this article for the exercise of any functions by a constituent council, sub-committee or officer must not prevent the joint transport committee from exercising those functions.

(7) Any enactment relating to those functions to be discharged by the joint transport committee or the authorities by whom or the areas in respect of which they are to be exercised, has effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the area in respect of which they are to be exercised.

(**a**) 1968 c. 73.

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

(8) For the purpose of this article, "constituent council" means any of the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

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

(10) In this article, "proper officer" has the same meaning as in section 270(3) of the Local Government Act 1972(**b**).

Passenger Transport Executive

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

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008(**c**) and Part 6 of the 2009 Act.

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

Amendments to the Transport Act 1968

11. In section 9 of the Transport Act 1968 (integrated transport areas and passenger transport)(**d**)—

(a) in subsection (1)(b)—

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

(ii) after sub-paragraph (ia) insert—

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

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

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

(c) after subsection (6B) insert—

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

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

(**a**) 1972 c. 70.
(**b**) To which there are amendments not relevant to this Order.
(**c**) 2008 c. 26.
(**d**) Section 9 was amended by paragraph 1 of Schedule 18 to the Local Government (Scotland) Act 1973 (c. 65); by sections 57 and 58 of, paragraph 3 of Schedule 3 to and Schedule 8 to the Transport Act 1985; by paragraph 80 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39); by section 49 and Schedule 8 to the Deregulation Act 2015 (c. 20) and in relation to England and Wales only by section 98 of, paragraph 2 of Schedule 4 to and Part 4 of Schedule 7 to the Local Transport Act 2008 and by S.I. 2011/908, S.I. 2014/864, S.I. 2014/866 and by S.I. 2016/653.

(a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority;

(b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.".

Modifications to the Transport Act 2000

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

(a) any reference to the area of a local transport authority were a reference to the area consisting of the areas for which the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Combined Authority are established; and

(b) in subsection (4) for paragraph (ca) there were substituted—

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

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

PART 4

Housing and regeneration

Housing and regeneration

13.—(1) The functions of the constituent councils described in the following provisions are exercisable by the Combined Authority in relation to the combined area—

(a) section 1 of the 2011 Act (local authority's general power of competence) so far as those functions are exercisable for the purpose of economic development and regeneration;

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

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

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

(e) section 17 of the 1985 Act(**f**) (acquisition of land for housing purposes); and

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

(2) The exercise of the functions in paragraphs (1)(c) to (e) requires the consent of—

(a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land in relation to which the function is to be exercised; or

(b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority

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

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

(**c**) 1985 c. 68. Section 8 was amended by paragraph 62 of Schedule 11 to the 1989 Act and section 124 of the Housing and Planning Act 2016 (c. 22).

(**d**) Section 11 was amended by section 198 of and paragraph 103 of Schedule 6 to the Licensing Act 2003 (c. 17).

(**e**) Section 12 was amended by S.I. 2010/844.

(**f**) Section 17 was amended by section 222 of and paragraph 24 of Schedule 18 to the Housing Act 1996 (c. 52).

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

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

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

(6) For the purposes of paragraph (1)(b) to (f) the Combined Authority is to be treated as a local housing authority for the combined area.

Conferral of functions the Homes and Communities Agency has in relation to the combined area

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

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

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

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

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

(e) section 9 (acquisition of land);

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

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

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

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

(j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

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

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

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

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

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

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

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

(a) exercisable concurrently with the HCA; and

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

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

(5) Chapters 1 and 2 of Part 1 of and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the

(**a**) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015 (c. 7).

functions specified in paragraph (1) and land acquired by the Combined Authority under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 3.

PART 5

Mayoral development corporation

Mayoral development corporation

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

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

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

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

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

(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)(**b**);

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

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

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

(l) section 221 (consents);

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

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

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

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

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

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

Application of provisions in the Localism Act 2011

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

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 4.

(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,

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

(**b**) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayoral development corporation: incidental provisions

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

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

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

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

(3) 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;

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

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

(d) subsection (7) were omitted.

PART 6

Additional functions

Education, skills and training functions

18.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the combined area.

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

(**a**) 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.

(**b**) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(**c**) 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.

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

(**e**) 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.

(**f**) 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, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.

(a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals(**a**);

(b) sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(**b**);

(c) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(**c**);

(d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(**d**);

(e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(**e**);

(f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**f**);

(g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**g**);

(h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(**h**); and

(i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**i**).

(3) The functions are exercisable concurrently with the constituent councils.

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

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Other functions

19.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2) are exercisable by the Combined Authority in relation to the combined area.

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

(a) section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)(**j**);

(**a**) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by S.I. 2010/1158.

(**b**) Sections 15ZA, 15ZB, 15ZC, 18A , 514A and 560A were inserted by sections 41, 42 , 45 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and by S.I. 2010/1158. Section 15ZA was amended by paragraph 5 of Schedule 3 to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by S.I. 2015/1852. Section 15ZC was amended by S.I. 2015/1852. Section 17A was also amended by sections 30 and 82 of the Education Act 2011 and paragraph 16 of Schedule 2 to SI 2010/1158. Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3 to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3 to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3 to the Children and Families Act 2014.

(**c**) Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by S.I. 2010/1158.

(**d**) Section 10 was amended by S.I. 2010/1158.

(**e**) Section 12 was amended by S.I. 2010/1158.

(**f**) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158.

(**g**) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

(**h**) Section 71 was amended by section 28 of the Education Act 2011.

(**i**) Section 85 was amended by S.I. 2010/1158.

(**j**) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985. There are other amendments which are not relevant to this instrument.

(b) section 145 of the Local Government Act 1972 (provision of entertainments)(**a**); and

(c) section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

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

(4) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Incidental provisions

20.—(1) The provisions set out in paragraph (2) have effect as if the Combined Authority were a local authority for the purposes of those provisions.

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

(a) section 113 of the Local Government Act 1972 (placing staff at the disposal of other local authorities)(**b**);

(b) section 142(2) of the Local Government Act 1972 (power to arrange for publication of information etc relating to the functions of the authority)(**c**); and

(c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(**d**).

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

(4) For the purposes of paragraph (3) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 has effect as if a reference to "that area" were a reference to the combined area.

21.—(1) Section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees: England and Wales)(**f**) has effect as if—

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

"(ea) subject to subsection (4A), a committee appointed by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;"; and

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

"(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee must for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Newcastle Upon

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(**a**) Section 145 was amended by section 198 of, and paragraph 59 of Schedule 6 to, the Licensing Act 2003 (c. 17).

(**b**) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(**c**) Section 142 was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.

(**d**) To which there are amendments not relevant to this instrument.

(**e**) 1985 c. 51. Section 88 was amended by section 396 of the 1999 Act.

(**f**) Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates' Courts Act 1994; by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; by section 7 of the Policing and Crime Act 2017; and by S.I. 2010/1158.

Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.".

22.—(1) Column 1 of the table in Part 2 of Schedule 3 (appropriate administering authority) to the Local Government Pension Scheme Regulations 2013(**a**) is amended in accordance with paragraph (2).

(2) For "an employee of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014" substitute—

"An employee of the following combined authorities—

(a) the Durham, Gateshead, South Tyneside and Sunderland Combined Authority established by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014; and

(b) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018."

23.—(1) The Transport Levying Bodies Regulations 1992(**b**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) insert after the definition of the "1992 Act"—

""the 2014 Order" means the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014;

"the 2018 Order" means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;"

(b) in the definition of "combined authority"—

(aa) omit "or" before "(ah)";;

(bb) after "(ah)" insert "or (ai)".

(3) In regulation 3 (application)—

(i) in sub-paragraph (ae), for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority", substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority";

(ii) after sub-paragraph (ah) insert—

"(ai)the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018."

(4) after regulation 7(4)(ad) (apportionment of levies) insert—

"(ae) in the case of levies to be issued by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority pursuant to article 27(5), in accordance with regulation 7B.".

(5) for regulation 7B substitute—

(**a**) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

(**b**) S.I. 1992/2789. Regulation 3 was amended by S.I. 2012/213, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Reg 7 was amended by S.I. 2012/213, S.I. 2012/2914, S.I. 2015/27, S.I. 2017/603 and S.I. 2018/641. Regulation 7B was inserted by S.I. 2015/27

"Calculation and apportionment of levies issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority

7B.—(1) The amounts of the levies to be issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority ("the Authorities") under article 5(3) of the 2014 Order and article 27(5) of the 2018 Order to their constituent councils for the financial year 2019 to 2020, or any subsequent financial year, are to be determined by the joint transport committee in accordance with the following provisions of this regulation.

(2) The joint transport committee must apportion the estimated relevant expenditure of the Authorities for the financial year in question between—

(a) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities' functions in relation to the county of Tyne and Wear ("the Tyne and Wear component");

(b) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities' functions in relation to the county of Durham (the Durham component); and

(c) expenditure which the joint transport committee estimates will be attributable to the exercise of the Authorities' functions in relation to the county of Northumberland ("the Northumberland component").

(3) The Tyne and Wear component must be met by means of the levy issued to—

(a) the councils for the local government areas of Gateshead, South Tyneside and Sunderland by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under article 5(3)(a) of the 2014 Order; and

(b) the councils for the local government areas of Newcastle Upon Tyne and North Tyneside by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority under article 27(5)(a) and (b) of the 2018 Order.

(4) The Durham component must be met by means of the levy issued to Durham County Council under article 5(3)(b) of the 2014 Order.

(5) The Northumberland component must be met by means of the levy issued to Northumberland County Council under article 27(5)(c) of the 2018 Order.

(6) Where, in respect of any financial year, the joint transport committee estimates that the apportionment of the actual expenditure of the Authorities between the Tyne and Wear, Durham and Northumberland components will differ from that estimated under paragraph (2), the joint transport committee must make appropriate adjustments to its estimates under paragraph (2) for the following financial year.

(7) Those adjustments must be made with a view to ensuring that, so far as practicable and taking one year with another, the proportions in which relevant expenditure is met by the levies referred to in paragraph (3) to (5) reflect the actual expenditure of the Authorities on the Tyne and Wear, Durham and Northumberland components.

(8) The proportions in which the levy issued to the councils under paragraph (3) is to be shared among those councils are to be determined in the same way as proportions determined under regulation 7(3) in the case of a levy issued by an integrated transport authority.

(9) In this regulation, "joint transport committee" means the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.".

24.—(1) The Sub-National Transport Body (Transport for the North) Regulations 2018(**a**) are amended as follows.

(**a**) S.I. 2018/103.

(2) In the definition of "constituent authorities" in regulation 2—

(i) for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority";

(ii) after "North Lincolnshire Borough Council" insert "Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority".

Data sharing

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

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

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

PART 7

Mayoral functions and funding

Functions exercisable only by the Mayor

26.—(1) The functions set out in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are—

(a) the functions of the Combined Authority in the following enactments—

(i) section 9(2) of the 2008 Act (acquisition of land); and

(ii) section 17 of the 1985 Act (acquisition of land for housing purposes) insofar as they are exercisable for the purpose of acquiring land compulsorily in accordance with section 17(3); and

(b) the functions of the Combined Authority corresponding to the functions specified in the following provisions of the 2011 Act—

(i) section 197 (designation of mayoral development areas);

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

(iii) section 200 (transfer of property etc. to a Mayoral development corporation);

(iv) section 202 (functions in relation to Town and Country Planning);

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

(vi) sections 214 to 217;

(vii) sections 219 to 221; and

(viii) paragraphs 1 to 4, 6 and 8 of Schedule 21 (Mayoral Development Corporations).

(**a**) 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).

(**b**) 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); section s 6 and 9 of and paragraph 80 of Schedule 1and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; 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.

(3) The exercise by the Mayor of the functions mentioned in paragraph (2)(a) requires the consent of—

(a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land subject to the proposed compulsory acquisition; or

(b) substitute members acting in place of those members.

(4) The exercise by the Mayor 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—

(a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or

(b) substitute members acting in place of those members.

(5) The exercise by the Mayor 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—

(a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or

(b) substitute members acting in place of those members.

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

(a) the Northumberland National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Northumberland National Park; and

(b) each member of the Combined Authority 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 Combined Authority proposes to exercise the functions.

(7) For the purpose of paragraphs (3), (4) and (5) and (6)(b), the consent must be given at a meeting of the Combined Authority.

(8) Members and officers of the Combined Authority may assist the Mayor in the exercise of the functions mentioned in paragraph (1).

(9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority).

Funding

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

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

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority 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 equal shares between the constituent councils.

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

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

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

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

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

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of three separate levies issued by the Authority to the councils for the local government areas of—

(a) Newcastle Upon Tyne;

(b) North Tyneside; and

(c) Northumberland,

under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992.

(6) A levy issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under section 74 of the Local Government Finance Act 1988 to the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland in respect of the financial year beginning 1st April 2018 has effect for that year from and after the commencement date as if it had been so issued by the Combined Authority.

Continuity

28.—(1) Nothing in this Order affects the validity of anything done, before the commencement date, by or in relation to—

(a) the ITA with respect to the functions, property, rights and liabilities transferred under article 6 of the 2014 Order and article 7 of this Order;

(b) Durham County Council and Northumberland County Council with respect to the functions transferred under article 8 of the 2014 Order;

(c) Durham County Council and Northumberland County Council with respect to the functions transferred under article 7(1)(b) and (c); and

(d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority with respect to functions exercised in relation to the combined area immediately before the commencement date.

(2) Anything (including legal proceedings) which—

(a) is in the process of being done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date; and

(b) which relates to any functions of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority exercised in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

may be continued by or in relation to the Combined Authority.

(3) Anything which—

(a) is in effect immediately before the commencement date; and

(b) which was made or done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority for the purposes of or otherwise in connection with any functions exercised in

relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

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

(4) The Combined Authority is to be substituted for the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in any instruments, contracts or legal proceedings which—

(a) are made or commenced before the commencement date; and

(b) relate to any of the functions exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g).

(5) Anything (including legal proceedings) which is in the process of being done by or in relation to a relevant body immediately before the commencement date and which relates to the functions exercisable by the joint transport committee under article 9(1)(a) to (g) may be continued by the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(6) Anything which—

(a) is in effect immediately before the commencement date; and

(b) which was made or done by or in relation to a relevant body for the purposes of or otherwise in connection with any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

has effect as if made or done by or in relation to the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(7) The Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority are jointly to be substituted for a relevant body in any instruments, contracts or legal proceedings which—

(a) are made or commenced before the commencement date;

(b) and relate to any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g).

(8) Paragraphs (2) to (7) are subject to article 11(6) of the 2014 Order.

(9) For the purposes of this article, a relevant body is—

(a) the ITA;

(b) Durham County Council;

(c) Northumberland County Council; and

(d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.

(10) A reference in this article to anything made or done by or in relation to a relevant body includes a reference to anything which by virtue of any enactment is to be treated a having been made or done by or in relation to that authority.

Amendments to the 2014 Order

29. Schedule 5 (which makes amendments to the 2014 Order) has effect.

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

Name
Parliamentary Under Secretary of State
Date Ministry of Housing, Communities and Local Government

SCHEDULE 1

Article 4

Constitution of the Combined Authority

Membership

30.—(1) Each constituent council must appoint two of its elected members to be a member of the Combined Authority.

(2) Each constituent council must appoint two other elected members to act as a member of the Combined Authority in the absence of a member appointed under sub-paragraph (1) ("substitute member").

(3) The Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(4) The Local Enterprise Partnership must nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) ("the Local Enterprise Partnership Substitute Member").

(5) The Combined Authority must appoint a member nominated by the Local Enterprise Partnership as a member of the Combined Authority ("Local Enterprise Partnership Member").

(6) The Combined Authority must appoint another member nominated by the Local Enterprise Partnership to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) ("the substitute member").

(7) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member.

(8) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of—

(a) the constituent council that appointed them; or

(b) the Local Enterprise Partnership that nominated them.

(9) A person may resign as a member or substitute member of the Combined Authority, as the case may be, by written notice served on—

(a) the proper officer of the constituent council that appointed them; or,

(b) the chairman or vice-chairman of the Local Enterprise Partnership that nominated them,

and the resignation will take effect on receipt of the notice by the proper officer of the council or chairman or vice-chairman of the Local Enterprise Partnership (as the case may be).

(10) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (8) or (9)—

(a) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person's place; or

(b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place.

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

(12) Where a constituent council terminates an appointment under sub-paragraph (11), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment will take effect and the previous appointment terminate at the end of the period of one week beginning with the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(13) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person's place.

(14) Where the Local Enterprise Partnership terminates an appointment under sub-paragraph (13), it will give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(15) The Combined Authority must appoint a member nominated under sub-paragraph (14) and the new appointment will take effect and the previous appointment terminate at the end of the period of one week beginning with the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(16) The Combined Authority must appoint a member nominated under sub-paragraph (10)(b) or sub-paragraph (14) at the next meeting of the Combined Authority.

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

Interim Mayor

31.—(1) The Combined Authority must appoint an additional member of the Combined Authority, to be known as Interim Mayor, in addition to the members appointed under paragraph 1 of this Schedule.

(2) A person who—

(a) is resident in the area of any one of the constituent councils;

(b) is—

(i) an elected member of a constituent council;

(ii) an elected mayor of a constituent council;

(iii) the Northumbria Police and Crime Commissioner; or

(iv) a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the area of the Combined Authority; and

(c) holds such elected office referred to in paragraph (b) at the date of application for the position of Interim Mayor and on the date of appointment,

is eligible for appointment as Interim Mayor.

(3) A person may only be appointed as Interim Mayor if—

(a) the person is eligible to be appointed under sub-paragraph (2);

(b) the person has submitted an application in accordance with any application procedure and timetable determined by the Combined Authority;

(c) the person has been nominated by at least one member of the Combined Authority in accordance with any application procedure and timetable determined by the Combined Authority following consideration by the Combined Authority of all applications for the office; and

(d) the appointment has been approved by the Combined Authority by a simple majority at a meeting of the Combined Authority following a vote of its members.

(4) The Interim Mayor must cease to hold office on 6th May 2019.

(5) A person may resign as Interim Mayor by written notice served on the proper officer of the Combined Authority and the resignation will take effect on receipt of the notice by the proper officer.

(6) The Combined Authority may terminate the appointment of the Interim Mayor, provided that the voting members vote in favour of a resolution to terminate such appointment at a meeting of the Combined Authority.

(7) In sub-paragraph (6) the "voting members" are the persons referred to in sub-paragraph 4(3)(a) and (b).

(8) Where a person ceases to be an Interim Mayor by virtue of sub-paragraph (5) or (6), the Combined Authority may appoint a further Interim Mayor in accordance with this paragraph.

(9) Where the person appointed as Interim Mayor is member of a constituent council of the Combined Authority, the Interim Mayor will cease to be treated as a member under sub-paragraph (1) of paragraph 1 and the constituent council must appoint another of its elected members to be a member of the Combined Authority under that sub-paragraph.

Chair and vice chair(s)—Interim Mayor

32.—(1) The Combined Authority must appoint a person from among its members to act as chair until an Interim Mayor is appointed.

(2) The appointment of a chair is to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.

(3) A person ceases to be chair of the Combined Authority if they cease to be a member of the Combined Authority.

(4) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

(5) Where the Combined Authority has appointed an Interim Mayor—

(a) the Interim Mayor becomes the chair of the Combined Authority;

(b) the Combined Authority may appoint one or more vice-chairs from among its members; and

(c) the appointment of any vice-chair under paragraph (b) must take place as the first item of business of the first meeting of the Combined Authority following the appointment of the Interim Mayor.

(6) If a vacancy arises in the office of Interim Mayor, the Combined Authority—

(a) may appoint a vice-chair as acting Interim Mayor to exercise the functions of Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and

(b) must commence the appointment process referred to in paragraph 2 to fill the vacancy at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

Proceedings

33.—(1) Only one of the members appointed by each constituent council has voting rights ("the voting member").

(2) The other member appointed by each constituent council is to be a non-voting member but may exercise a voting right if the voting member is absent or agrees the non-voting member should exercise their voting right at a meeting ("the non-voting member").

(3) Each of the following persons has one vote—

(a) the voting member or the non-voting member acting in that member's place;

(b) where both the voting member and the non-voting member are absent, a substitute member acting in the voting member's place;

(c) the Mayor or deputy mayor acting in place of the Mayor;

(d) subject to sub-paragraph (4), an Interim Mayor, other than an acting Interim Mayor;

(e) a member appointed from a Local Enterprise Partnership who has been given voting rights by resolution of the Combined Authority or a substitute member acting in that member's place,

and no member or substitute member is to have a casting vote.

(4) If an Interim Mayor is not an elected member of a constituent council the Interim Mayor is to be a non-voting member of the Combined Authority.

(5) A member or substitute member nominated by the Local Enterprise Partnership is to be a non-voting member of the Combined Authority but may be given voting rights by resolution of the Combined Authority.

(6) No business is to be transacted at a meeting of the Combined Authority unless the persons referred to in sub-paragraph (3)(a) to (d) are present at the meeting.

(7) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the relevant members of the authority present and voting on that question.

(8) A decision on a question relating to any allowance payable to the Mayor or Interim Mayor under sub-paragraph 5(3) is to be decided by a majority of the relevant members of the authority excluding the Mayor, deputy Mayor or an Interim Mayor.

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

(10) A decision on a question relating to the matters set out in sub-paragraph (11) requires both—

(a) a vote in favour by a majority of relevant members present and voting on that question; and

(b) a unanimous vote in favour by the persons referred to in sub-paragraph (3)(a) and (b), present and voting on that question at a meeting of the Combined Authority at which all relevant members are present.

(11) The matters referred to in sub-paragraph (10) are—

(a) the adoption of any strategic growth plan as provided for in the Combined Authority's standing orders or the alteration, withdrawal or replacement of that plan;

(b) the approval of growth schemes set out in any strategic growth plan, or the alteration, withdrawal or replacement of that plan;

(c) the approval of the Combined Authority's annual budget excluding any spending plans related to the functions conferred on the Mayor under article 26 or the functions conferred on the joint transport committee under article 9(1);

(d) the approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority or the alteration, withdrawal or replacement of those limits or that strategy;

(e) the approval of such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders excluding any plans or strategies related to the functions conferred on the joint transport committee under article 9(1); and

(f) the approval of the Combined Authority's constitution and standing orders and any amendments.

(12) Where the Mayor votes against a decision of the Combined Authority which is carried under sub-paragraph (7) or (10), the Mayor may seek a review of the decision by making an application to the authority's monitoring officer within 24 hours of the decision being taken.

(13) Where an application for review is made in accordance with sub-paragraph (12), the Combined Authority must reconsider the decision and a further vote must be held on the question under consideration in accordance with sub-paragraph (7) or (10), as appropriate.

(14) The Combined Authority must publish the reasons for any decision taken following a further vote on a question under sub-paragraph (13).

(15) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

(16) The provisions in this Schedule relating to the Mayor, deputy Mayor or Interim Mayor only have effect where the Mayor, deputy Mayor, or Interim Mayor, as the case may be, is in office.

(17) In this paragraph—

(a) "relevant members" are the persons referred to in sub-paragraph (3).

(b) "monitoring officer" means the officer designated by the Combined Authority under section 5(1) of the 1989 Act.

Remuneration

34.—(1) Subject to sub-paragraph (3), no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

(2) A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.

(3) The Combined Authority may pay an allowance to the Mayor or Interim Mayor if—

(a) the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**a**) which contains recommendations for such an allowance; and

(b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

Committees—functions exercisable by the Combined Authority other than the functions conferred by Part 3

35.—(1) This paragraph applies to the functions exercisable by the Combined Authority other than the functions conferred by Part 3.

(2) The Combined Authority must appoint at least three members of each of the constituent councils to be members of the authority's overview and scrutiny committee(**b**).

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any substitute member of the Combined Authority.

(4) The Combined Authority must appoint an appropriate person to be the chair of the overview and scrutiny committee appointed by the Combined Authority.

(5) The Combined Authority must appoint at least three members of each of the constituent councils and at least one independent person to be members of the authority's audit committee.

Records

36.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at the meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(**a**) S.I. 2003/1021.

(**b**) Paragraphs 1(1) and 4(1) of Schedule 5A to the 2009 Act require a combined authority to arrange for the appointment of one or more overview and scrutiny committees and for the appointment of an audit committee.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

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

SCHEDULE 2

Article 8

Constitution of joint transport committee

Membership of joint transport committee

38.—(1) The Combined Authority must appoint—

(a) three members of the joint transport committee in accordance with sub-paragraphs (2) and (3); and

(b) three members to act as members of the joint transport committee in the absence of the members appointed under sub-paragraph (a) ("substitute committee member") .

(2) One of the members appointed by the Combined Authority must be the Mayor, unless the Mayor agrees otherwise.

(3) The members appointed by the Combined Authority must be members or substitute members of that authority excluding the Local Enterprise Partnership Member appointed under paragraph 1(5) of Schedule 1.

(4) The Durham, Gateshead, South Tyneside and Sunderland Combined Authority must appoint—

(a) four members of the joint transport committee in accordance with sub-paragraph (5); and

(b) four members to act as members of the joint transport committee in the absence of the members appointed under sub-paragraph (a)("substitute committee member").

(5) The members appointed by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority must be members or substitute members of that authority excluding the Local Enterprise Partnership Member appointed under paragraph 1(5) of Schedule 1 to the 2014 Order.

(6) In this paragraph "substitute members" means the substitute members of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or of the Combined Authority appointed under paragraph 1(2) of Schedule 1 to the 2014 Order or paragraph 1(2) of Schedule 1 of this Order.

Chair and vice-chair of the joint transport committee

39.—(1) The joint transport committee must in each year appoint a chair from among its members and the appointment is to be the first business transacted after the appointment of members of the joint transport committee, at the first meeting of the joint transport committee, and in subsequent years at the annual meeting of the joint transport committee.

(2) A person ceases to be chair of the joint transport committee if they cease to be a member of the joint transport committee.

(3) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

(4) The joint transport committee must appoint a vice-chair from among its members and the appointment of the vice-chair is to be the first business transacted after the appointment of members of the joint transport committee and the chair of the joint transport committee, at the first meeting of the joint transport committee, and in subsequent years at the annual meeting of the joint transport committee.

(5) A person ceases to be vice-chair of the joint transport committee if they cease to be a member of the joint transport committee.

(6) If a vacancy arises in the office of vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

Proceedings of joint transport committee

40.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the joint transport committee are to be decided by a majority of the members and substitute committee members, acting in place of members, present and voting on that question at a meeting of the joint transport committee.

(2) No business may be transacted at a meeting of the joint transport committee unless at least two members or substitute committee members appointed by the Combined Authority and two members or substitute committee members appointed by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority are present.

(3) Each member or substitute committee member acting in that member's place, is to have one vote and no member or substitute committee member is to have a casting vote.

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

(5) Questions relating to the following matters require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, to be carried—

(a) the adoption of any transport plan under section 108(3) of the Transport Act 2000 and the alteration or replacement of that plan under section 109(1) and (2) of that Act;

(b) approval of, or any amendment to, or withdrawal of, spending plans related to the functions conferred on the joint transport committee under article 9(1);

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

(d) allocation of local transport plan funding to the individual constituent councils and the Tyne and Wear Passenger Transport Executive; and

(e) the delegation of functions referred to in article 9(2).

(6) For the purpose of this article, "constituent council" means the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

Overview and scrutiny committee of the joint transport committee

41.—(1) The joint transport committee must establish a committee as an overview and scrutiny committee of the joint transport committee.

(2) The joint transport committee must appoint at least two members of each of the constituent councils of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority to be members of the overview and scrutiny committee of the joint transport committee.

(3) The joint transport committee must appoint an independent person to be the chair of the overview and scrutiny committee of the joint transport committee or a sub-committee of such a committee.

(4) The overview and scrutiny committee of the joint transport committee must not include any substitute committee member of the joint transport committee.

(5) Schedule 5A to the 2009 Act (combined authorities: overview and scrutiny committees and audit committees) applies in relation to the overview and scrutiny committee of the joint transport committee as if—

(a) the overview and scrutiny committee of the joint transport committee were an overview and scrutiny committee of a combined authority for the purposes of that Schedule;

(b) for paragraph 1(1) there were substituted—

"(1) This Schedule relates to the arrangements made by the joint transport committee under paragraph 4 of Schedule 2 to the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 for the appointment by the joint transport committee of one or more committees of the joint transport committee (referred to in this Schedule as overview and scrutiny committees).";

(c) in paragraph 1(2)—

(i) for "combined authority's" there were substituted "joint transport committee's";

(ii) for "authority" in each place there were substituted "joint transport committee";

(iii) in sub-paragraph (c) for "the authority's area" there were substituted "the area of the councils for the local government areas of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland";

(d) paragraph 1(3) were omitted;

(e) in paragraph 1(4) "and (3)(a)" were omitted;

(f) in paragraph 1(5) for "a combined authority" there were substituted "the joint transport committee";

(g) in paragraph 1(6) for "combined authority" there were substituted "joint transport committee";

(h) in paragraph 1(7)—

(i) for "combined authority" there were substituted "joint transport committee";

(ii) after "Schedule" there were inserted "or paragraph 4 of Schedule 2 to the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018";

(i) in paragraph 2 for "a combined authority" in each place there were substituted "the joint transport committee";

(j) in paragraph 2(3) for "a combined authority may not include a member of the authority (including, in the case of a mayoral combined authority, the mayor for the authority's area or deputy mayor)" there were substituted "the joint transport committee may not include a member of the joint transport committee";

(k) in paragraph 2(6)(a)—

(i) for "members or officers of the authority" there were substituted "members or officers of the joint transport committee";

(ii) there were omitted "(including, in the case of a mayoral combined authority, the mayor for the authority's area and deputy mayor)".

(l) paragraph 3 were omitted;

(m) in paragraph 4(1) for "a combined authority must arrange for the appointment by the authority" there were substituted "the joint transport committee must arrange for the appointment by the committee";

(n) in paragraph 4(2)(a) to (c) for "authority's" there were substituted "joint transport committee's";

(o) in paragraph 4(2)(d) for "combined authority" there were substituted "joint transport committee"; and

(p) paragraphs 4(3) and (4) were omitted.

42.—(1) The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**a**) is modified in relation to the Combined Authority in accordance with the following sub-paragraphs.

(2) Article 2(1) (interpretation) has effect as if—

(a) after the definition of "excluded matter" there were inserted—

""joint transport committee" means the joint transport committee appointed under article 8 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.";

(b) for the definition of "member" there were substituted—

""member" in relation to membership of an overview and scrutiny committee of the joint transport committee includes the chair of that overview and scrutiny committee.".

(3) Article 3 (overview and scrutiny committees) has effect as if—

(a) in paragraph (1) for the reference to "combined authority's overview and scrutiny committee must be members of that combined authority's constituent councils" there were substituted "overview and scrutiny committee of the joint transport committee must be members of the constituent councils of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or the Newcastle Upon Tyne, Northumberland and North Tyneside Combined Authority";

(b) in paragraph (4) for the reference to "combined authority" there were substituted "joint transport committee".

(4) Article 4 (appointment of members) is to have effect as if for each reference to "combined authority" there were substituted "joint transport committee".

(5) Article 5 (appointment of chair) is to have effect as if—

(a) for paragraph (2) there were substituted—

"(2) A person is independent if the person—

(a) is not a member, co-opted member or officer of—

(i) the joint transport committee;

(ii) the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; or

(iii) the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;

(b) is not a member, co-opted member or officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or a parish council for which a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority;

(c) is not a relative, or close friend, of a person within paragraph (a) or (b); and

(d) was not at any time during the period of five years ending with an appointment as chair of the overview and scrutiny committee under arrangements made by the

(**a**) S.I. 2017/68.

joint transport committee in accordance with paragraph 3(4)(a) of Schedule 5A to the 2009 Act—

(i) a member, co-opted member or officer of the joint transport committee; Durham, Gateshead, Sunderland and South Tyneside Combined Authority; or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or

(ii) a member, co-opted member or officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or a parish council for which a constituent council is the principal authority."; and

(b) in paragraph (3), for "combined authority" there were substituted "joint transport committee";

(6) Article 6 (reference of matters to overview and scrutiny committees) is to have effect as if—

(a) for paragraph (1) there were substituted—

"(1) The joint transport committee must ensure that it enables—

(a) any member of an overview and scrutiny committee to refer to the committee any matter which is relevant to the functions of the committee;

(b) any member of a sub-committee of an overview and scrutiny committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee;

(c) any member of the joint transport committee to refer to an overview and scrutiny committee any matter which is relevant to the functions of the joint transport committee and is not an excluded matter; and

(d) any member of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority to refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter."; and

(b) in paragraphs (2) and (3) for "combined authority" there were substituted "joint transport committee".

(7) Article 7 (duty of combined authority and mayor to respond to overview and scrutiny committee) is to have effect as if—

(a) for each reference to "a combined authority" there were substituted "the joint transport committee"; and

(b) each reference to "or the mayor" were omitted.

(8) Article 8 (confidential and exempt information) is to have effect as if—

(a) in paragraph (1)(a)(ii) for "a combined authority or the mayor" there were substituted "the joint transport committee";

(b) in paragraph (1)(b) for "a combined authority or to a member of a constituent council or a non-constituent council, by an overview and scrutiny committee or a combined authority or the mayor" there were substituted "the joint transport committee or to a member of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority, by an overview and scrutiny committee or the joint transport committee";

(c) in paragraph (2) for "combined authority, or the mayor" there were substituted "joint transport committee";

(d) in paragraph (3) for "the combined authority, or the mayor, in providing a copy of a document to a member of the combined authority or to a member of a constituent council or a non-constituent council" there were substituted "the joint transport committee, in providing a copy of a document to a member of the joint transport committee or to a member of a constituent council of the Durham, Gateshead, Sunderland and South

Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority";

(e) in paragraphs (4) and (5) for "combined authority" there were substituted "joint transport committee"; and

(f) in paragraph (6) for "authority" there were substituted "joint transport committee".

(9) Article 9 (scrutiny officer) is to have effect as if—

(a) in paragraphs (1) and (2) for each reference to "a combined authority" there were substituted "the joint transport committee; and

(b) for paragraph (3) there were substituted—

"(3) The joint transport committee may not designate as the scrutiny officer any officer of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority.".

(10) Article 10 (additional rights of access to documents for members of overview and scrutiny committees) has effect as if—

(a) each reference to "or the mayor" were omitted; and

(b) for each reference to "combined authority" there were substituted "joint transport committee".

(11) Article 11 (key decisions) is to have effect as if—

(a) for paragraph (1)(a) there were substituted—

"(a) a "key decision" means a decision of a decision maker, which in the view of the overview and scrutiny committee for the joint transport committee is likely—

(i) to result in the joint transport committee incurring significant expenditure, or the making of significant savings, having regard to the joint transport committee's budget for the service or function to which the decision relates; or

(ii) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or of the Newcastle Upon Tyne, North Tyneside or Northumberland Combined Authority;";

(b) in paragraph (2)(a) for "the responsibility of the combined authority" there were substituted "exercisable by the joint transport committee"; and

(c) in paragraph (3) for "combined authority" there were substituted "the joint transport committee".

(12) Articles 12 (general exception) and 13 (cases of special urgency) is to have effect as if for each reference to "combined authority" there were substituted "joint transport committee".

(13) Article 14 (audit committees) has effect as if there were substituted—

"Audit committees

14.—(1) In appointing members to an audit committee the joint transport committee must ensure 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 members of the constituent councils of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority and of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority when taken together.

(2) An audit committee appointed by the joint transport committee may not include any officer of the joint transport committee; Durham, Gateshead, Sunderland and South Tyneside Combined Authority; Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead,

Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

(3) The joint transport committee must appoint to an audit committee at least one independent person.

(4) For the purposes of appointments under paragraph (3), a person is independent if the person—

(a) is not a member, co-opted member or officer of the joint transport committee; the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority;

(b) is not a member, co-opted member or officer of a parish council for which the constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority;

(c) is not a relative, or close friend, of a person within sub-paragraph (a) or (b); and

(d) was not at any time during the period of five years ending with an appointment under paragraph (3)—

(i) a member, co-opted member or officer of the joint transport committee; the Durham, Gateshead, Sunderland and South Tyneside Combined Authority; the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority or of a constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority; or

(ii) a member, co-opted member or officer of a parish council for which the constituent council of the Durham, Gateshead, Sunderland and South Tyneside Combined Authority or Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority is the principal authority.

(5) The joint transport committee is entitled to make an appointment under paragraph (3) where—

(a) the vacancy for the audit committee has been advertised in such manner as the joint transport committee considers is likely to bring it to the attention of the public;

(b) the person has submitted to the joint transport committee an application to fill the vacancy, and

(c) the person's appointment has been approved by a majority of the members of the joint transport committee.

(6) A person appointed under paragraph (3) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

(7) The joint transport committee must determine a minimum number of members required to be present at a meeting of the audit committee before business may be transacted, to be no fewer than two-thirds of the total number of members of the audit committee.".

(14) The joint transport committee must appoint at least one member of each of the constituent councils of the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority to be members of the audit committee of the joint transport committee.

SCHEDULE 3

Article 14

PART 1

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

43.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

(a) "the HCA" there were substituted a reference to "the Combined Authority";

(b) "Part 1" of that Act there were substituted a reference to "Part 4 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018"; and

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

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to "land" there were substituted a reference to "land in the area of the Combined Authority";

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

> "Combined Authority" means the body corporate established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;"

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

44.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to "section 9" of that Act there were substituted a reference to "article 14 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018".

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 14 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

SCHEDULE 4

Article 16

Modification of the application of Part 8 of the 2011 Act

45.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for "the Mayor" and "MDC" there were substituted—

> ""the Area" means the area of the Combined Authority;
>
> "the Combined Authority" means the Combined Authority, established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018;
>
> "Corporation" means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;
>
> "National Park" means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and
>
> "National Park authority" means a National Park authority for a National Park. ".

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

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

(b) "the Mayor" there were substituted "the Combined Authority" 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 combined area";

(b) in subsection (3)(a) for, "any one or more of the Greater London Authority's principal purposes", there were substituted "economic development and regeneration in the combined area";

(c) in subsection 3(d)—

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

(ii) for "the Mayor" there were substituted "the Mayor for the combined area"; and

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

(d) in subsection 3(e)—

(i) for "the Mayor" there were substituted "the Mayor for the combined area"; and

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

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

(f) in subsection (4)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)";

(ii) paragraph (b) were omitted;

(iii) in paragraph (d) for "each London borough council whose borough" there were substituted "each district council 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;

(g) in subsection (5)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the Combined Authority";

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

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

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

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

(i) subsection (7) were omitted.

(5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—

(a) in the heading for "Mayoral development corporations" there were substituted "Corporations"; and

(b) for every reference to "Mayoral development corporation" there were substituted "Corporation".

(6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—

(a) for "the London Assembly" there were substituted "the members of the Combined Authority 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 combined 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 combined area";

(ii) paragraph (b) were omitted;

(iii) in paragraphs (d) and (e), for "in Greater London" there were substituted a reference to "in the combined 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 combined area";

(b) in subsection (7)(c) for "the London Assembly" there were substituted "the members of the Combined Authority 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 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 combined area"; and

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

(12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—

(a) in subsection (4)(a) for "the Mayor" there were substituted "the Mayor for the combined area";

(b) in subsection (4)(c) for "the London Assembly or an affected local authority" there were substituted "the members of the Combined Authority 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 combined 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"—

(iii) paragraph (b) were omitted,

(iv) in paragraph (d) for "a London borough council" there were substituted "a district council or county council wholly or partly within the combined area", and

(v) 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 Combined Authority", except for the reference in paragraph 1(1);

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

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

(c) in paragraph 1(1)—

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

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

(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 London Assembly" there were substituted a reference to "the Combined Authority";

(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.

SCHEDULE 5

Article 29

PART 1

Amendments to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 to change boundary

46.—(1) The 2014 Order is amended as follows.

(2) In article 1 (citation and commencement), for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority".

(3) In article 2 (interpretation)—

(a) in the definition of "the Combined Authority" for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority";

(b) in the definition of "constituent councils" omit "Newcastle Upon Tyne, North Tyneside, Northumberland,"; and

(c) omit the definition of "the county councils".

(4) In the heading to Part 2, omit "Newcastle Upon Tyne, North Tyneside, Northumberland,".

(5) In article 3(2) (establishment), for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" substitute "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority".

(6) In article 5 (funding)—

(a) in paragraph (3)—

(i) in the words before sub-paragraph (a) for "three" substitute "two";

(ii) for sub-paragraph (a) substitute—

"(a) the councils for the local government areas of Gateshead, South Tyneside and Sunderland, and"; and

(iii) omit sub-paragraph (c) and the "and" immediately preceding that sub-paragraph;

(b) in paragraph (4) for "the county councils" substitute "Durham County Council"; and

(c) omit paragraphs (5),(6) and (7).

(7) In article 8 (transfer of functions - county councils)—

(a) in the heading for "county councils" substitute "Durham County Council";

(b) in paragraph (a) for "the county councils" substitute "Durham County Council"; and

(c) in paragraph (b) for "the county councils as local transport authorities" substitute "Durham County Council as a local transport authority".

(8) In paragraph 3(6) of Schedule 1 (proceedings), for "seven" substitute "four".

(9) Section 13 of the 1989 Act as modified by article 15, is to be read as if in subsection (4)(i) for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority", there were substituted in each place "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority".

(10) Regulation 64 of the Local Government Pension Scheme Regulations 2013 as modified by article 17, is to be read as if in paragraph (8A), for "the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority" there were substituted "the Durham, Gateshead, South Tyneside and Sunderland Combined Authority".

PART 2

Amendments to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 as a consequence of establishment of joint transport committee

47. In Schedule 1 to the 2014 Order (constitution)—

(a) in paragraph 3(6)—

(i) omit paragraph (b);

(ii) in paragraph (c) after the words "annual budget" insert "excluding any spending plans related to the functions conferred on the joint transport committee appointed under article 8(1) of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018";

(iii) omit paragraphs (d) and (e);

(iv) in paragraph (h) after the words "standing orders" insert—

"excluding any plans or strategies related to functions conferred on the joint transport committee appointed under article 8(1) of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018"; and

(b) in paragraph 4(1) (committees), after "Combined Authority" in the second place it appears insert "in respect of all functions of the Combined Authority other than the functions conferred on the joint transport committee appointed under article 8(1)of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

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 section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order establishes the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority ("the Combined Authority") and provides for there to be mayor for the area of the Combined Authority. Schedule 1 to the Order makes provision about the constitution of the Combined Authority.

Part 3 of the Order concerns the transport functions of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority and the Combined Authority. The transport functions that were vested in the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in respect of the area of the Combined Authority are to be transferred to the Combined Authority. In order to ensure transport functions continue to be dealt with on an integrated basis across the areas of the Combined Authorities, they will be required to make decision on such functions through a joint transport committee. Schedule 2 makes provision for the constitution of the joint transport committee.

Part 4 of and Schedule 3 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 5 of and Schedule 4 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 4 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order confers on the Combined Authority functions in relation to education, skills and training and other functions of the Combined Authority's area by the constituent councils. The functions are to be exercisable concurrently with the Combined Authority.

Part 7 makes additional provision for the Mayor for the area of the Combined Authority and funding. Article 26 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 27 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 7 of the Order also gives effect to Schedule 5 which makes amendments to the 2014 Order to amend the boundary of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority by removing the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland. The existing Combined Authority is renamed the Durham, Gateshead, South Tyneside and Sunderland Combined Authority. Schedule 5 also makes consequential amendments to the 2014 Order as a result of the establishment of the joint transport committee.

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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