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STATUTORY INSTRUMENTS

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**2014 No.**

**SUBJECT**

**SUBSUBJECT**

Title

*Made* - - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* - - - \*\*\*

**PART 1**

General

**Interpretation**

1. In this Order—

“the 2000 Act” means the Transport Act 2000(a)

“the 2003 Act” means the Local Government Act 2003(b);

“the 2016 Order” means the Tees Valley Combined Authority Order 2016(c)

**PART 1**

Transport

**Power to pay grant**

2.—(1) The functions of a Minister of the Crown contained in section 31 of the 2003 Act (power to pay grant) are functions of the TVCA that are exercisable—

(a) in relation to the Area; and

(b) **only by the Mayor.**

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

**Comment [MB1]:** Should these also be “general” functions, and should members and officers of the TVCA be able to assist the Mayor as below?

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(a) 2000 c.38.  
(b) 2003 c.26.  
(c) S.I. 2016/449.

(3) Paragraph (4) applies where, in exercising functions under paragraph (1), the Mayor determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

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

(5) In complying with paragraph (4), the Mayor must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

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

- (a) in subsection (1)—
  - (i) for “A Minister of the Crown” there were substituted “The Mayor”,
  - (ii) for “local authority in England and Wales” there were substituted “constituent council”,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), for the “the person paying it” there were substituted “the Mayor”;
- (d) subsection (6) were omitted.

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

**Comment [MB2]:** I note that “highway functions” is used and not defined in the Highways Act 1980, so I am tempted to leave this undefined. I think this definition may work, however. The words “in whatever capacity” are intended to capture functions exercised in their capacity as local traffic authority, street authority etc. as well as highway authority.

## Local Transport

3.—(1) The following are exercisable by the TVCA in relation to the Area—

- (a) the functions of the constituent councils contained in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(a); and
- (b) the functions of the constituent councils as local transport authorities contained in Part 2 (local transport) of the 2000 Act

(2) The functions mentioned in paragraph (1) are exercisable by the TVCA instead of by the constituent councils.

(3) Omit article 6 of the 2016 Order.

**Comment [MB3]:** Removes the delegation provision from the original order.

## Local Transport Plans: functions only exercisable by the Mayor

4.—(1) The functions of the TVCA contained in sections 108, 109 and 112 of the 2000 Act(b) (duties of local transport authorities relating to the preparation, alteration and replacement of local transport plans) are [general] functions exercisable only by the Mayor.

(2) Paragraph (1) is subject to the following provisions of this article.

(3) Members and officers of the GLCA [may/must] assist the Mayor in the exercise of those functions.

(4) In preparing a local transport plan, and in keeping it under review, the Mayor must consult all of the members of the TVCA.

**Comment [MB4]:** This could be merged with article 3 given that these are functions under Part TA 2000, but I’ve kept it separate as Ruth indicated the mayoral provisions may reside in a separate part of the order.

**Comment [MB5]:** Should they be general functions?

**Comment [MB6]:** Added in response to Ruth’s email (28/10 10:50). Do we need to give any more detail here (i.e. what form does the “assistance” take). Is it a duty or a power to assist?

**Comment [MB7]:** I note that s109(2B) of the TA 2000 already requires a CA to consult each local traffic authority in its area so this provision seems unnecessary. Do you want me to remove it?

(a) 1985 c.67.

(b) Section 108 was amended by paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c.5), the Local Transport Act 2008 (c.26), sections 7 to 9, paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7, and the Local Democracy, Economic Development and Constructions Act 2009 (c.20), paragraph 96 of Schedule 6. Section 109 was amended by paragraph 3 of the Schedule to the Transport (Wales) Act 2006, the Local Transport Act 2000, section 9, and the Local Democracy, Economic Development and Constructions Act 2009 (c.20), paragraph 97 of Schedule 6. Section 112 was amended by the Local Transport Act 2008, sections 10 and 11 and Part 1 of Schedule 7, and the Equality Act 2010, paragraph 48 of Schedule 26.

(5) After paragraph 3(6) of Schedule 2 to 2016 Order, insert the following—

“(6A) Questions relating to the adoption, alteration and replacement of a local transport plan under sections 108, 109 and 112 of the Transport Act 2000 require a vote in favour by at least 3 members, or substitute members acting in place of those members, appointed by the constituent councils.”

**Comment [MB8]:** Ruth's comments about correct positioning of this provision in the order (email 28/10 10:50) are noted. DCLG have agreed to draft the LTP voting provisions for the other orders so I assume they will do the same here.