
STATUTORY INSTRUMENTS

2016 No. 1267

**The Greater Manchester Combined Authority
(Functions and Amendment) Order 2016**

PART 7

Functions of the GMCA exercisable only by the Mayor; political advisers

General functions of the GMCA exercisable only by the Mayor

15.—(1) The following functions⁽¹⁾ are general functions exercisable only by the Mayor⁽²⁾—

- (a) the functions of the GMCA in the following enactments—
 - (i) section 17 of the 1985 Act (acquisition of land for housing purposes) insofar as this function is exercised for the compulsory purchase of land;
 - (ii) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes);
 - (iii) section 9(2) of the 2008 Act (acquisition of land);
- (b) the functions of the GMCA corresponding to the functions specified in—
 - (i) sections 334 to 342 ((the spatial development strategy); (public participation); (withdrawal); (publication); (examination in public); (review of matters affecting the strategy); (reviews of the strategy); (alteration or replacement); (matters to which the Mayor is to have regard)) and 346 (monitoring and data collection) of the 1999 Act; and
 - (ii) section 154(1) of the 2000 Act (grants to bus service operators).

(2) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the GMCA may do under section 113A of the 2009 Act (general power of EPB or combined authority)⁽³⁾.

(3) The exercise by the Mayor of the functions mentioned in paragraph (1)(a) requires the consent of—

- (a) all members of the GMCA 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,

to be provided at a meeting of the GMCA.

(4) The exercise by the Mayor of the functions corresponding to the functions specified in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement)

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

(2) The Mayor for the area of the Greater Manchester Combined Authority was established by the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448).

(3) 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.

of the 1999 Act requires a unanimous vote in favour by all members of the GMCA appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the GMCA.

(5) In respect of arrangements made under section 107D(3)(b) of the 2009 Act (functions of mayors: general) in relation to the functions specified in paragraph (1)—

- (a) the Greater Manchester Passenger Transport Executive⁽⁴⁾ is to be treated as if it were an officer of the GMCA; and
- (b) the mayor must not make such arrangements in relation to a political adviser appointed under article 16(1).

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

Political advisers

16.—(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 GMCA.

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

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who appointed the political adviser 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⁽⁵⁾(assistants for political groups), shall apply in relation to an appointment under paragraph (1) as if—

- (i) any appointment to that post were the appointment of a person in pursuance of that section; and
- (ii) the GMCA were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act shall apply 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.

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

(5) 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 (c. 28) and by S.I. 2001/2237.