
STATUTORY INSTRUMENTS

2017 No. 510

**The West Midlands Combined Authority
(Functions and Amendment) Order 2017**

PART 4

Mayoral Development Corporations

Conferral of functions corresponding to functions that the Mayor of London has in relation to Greater London to designate Mayoral development areas

12.—(1) The Combined Authority shall have in relation to the combined area functions corresponding to the following functions specified in the provisions in the 2011 Act, that the Mayor of London has in relation to Greater London—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation);
- (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);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

(2) The exercise by the Combined Authority of the functions corresponding to the functions specified in section 197 (designation of Mayoral development areas) of the 2011 Act requires the consent of at least one member of the Combined Authority appointed by each of the constituent councils, or a substitute member acting in place of one of those members, whose local government area contains any part of the combined area to be designated as a Mayoral development area.

(3) The exercise by the Combined Authority of the functions corresponding to the functions specified in section 199 (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of at least one member of the Combined Authority appointed by each of the constituent councils, or a substitute member acting in place of one of those members, whose local government area contains any part of the combined area to be excluded from a Mayoral development area.

(4) The exercise by the Combined Authority of the functions corresponding to the functions specified 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 at least one member of the Combined Authority appointed by each of the constituent councils, or a substitute member acting in place of one of those members, whose local government area contains the whole or any part of the combined area in respect of which the Combined Authority proposes to exercise the functions.

(5) For the purposes of paragraphs (2), (3) and (4), the consent must be given at a meeting of the Combined Authority.

Application of provisions in the Localism Act 2011

13.—(1) Chapter 2 of Part 8 (Mayoral development corporations) of the 2011 Act 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 passed or made on or before 8th May 2017—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme 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), 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act) or making provision for varying the way in which a relevant tax has effect from time to time 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, the provisions in section 235 of the 2011 Act (orders and regulations) apply 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 they apply 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) and making provision for varying the way in which a relevant tax has effect from time to time in relation to a 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(1);
- (b) section 31(1A) of the 1999 Act(2);
- (c) section 38 of the 1999 Act(3);
- (d) section 60A(3) of the 1999 Act(4);
- (e) section 68(6) of the 1999 Act(5);
- (f) section 73 of the 1999 Act(6);
- (g) section 424 of the 1999 Act(7);
- (h) section 24(4) of the Planning and Compulsory Purchase Act 2004(8); and
- (i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008(9).

Incidental provisions

14. The following provisions of the 1989 Act shall apply in relation to a Corporation as if the Corporation were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(10); and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction)(11) so far as they have effect for the purposes of that section.

15. Section 5 of the 1989 Act (designation and reports of monitoring officer)(12) applies in relation to the Combined Authority as if a Corporation were a committee of the Authority.

16. 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;

(1) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by section 222 of, and Schedule 22 to, the 2011 Act.

(2) Section 31(1A) was inserted by section 22 of, and Schedule 22 to, the 2011 Act, section 33 of the Infrastructure Act 2015 (c. 7) and article 2 of S.I. 2012/1530.

(3) Section 38 was amended by S.I. 2001/2237, section 224 of the Planning Act 2008 (c. 29), sections 195, 222 and 237 of, and Schedules 19, 20, 22 and 25 to, the 2011 Act, and by section 28 of the Growth and Infrastructure Act 2013 (c. 27).

(4) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and subsection (3) was amended by S.I. 2008/2038, section 20 of the Police Reform and Social Responsibility Act 2011 (c. 13), and Schedules 22 and 25 to the 2011 Act.

(5) Section 68(6) was amended by sections 222 and 237 of, and Schedules 22 and 25 to, the 2011 Act.

(6) Section 73 was amended by S.I. 2000/1435, sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, section 182 of, and Schedule 12 to, the Local Government and Public Involvement in Health Act 2007 (c. 28), and by sections 195, 222 and 237 of, and Schedules 22 and 25 to the 2009 Act.

(7) Section 424 was amended by sections 11, 12, 21 and 22 of the Greater London Authority Act 2007, S.I. 2009/1941, section 3 of the Police Reform and Social Responsibility Act 2011, and sections 222 and 237 of, and Schedules 22 and 25 to, the 2011 Act.

(8) 2004 c. 5. Section 24(4) was amended by section 222 of, and Schedule 22 to, the 2011 Act.

(9) 2008 c. 18. Paragraph 8 of Schedule 2 was amended by section 222 of, and Schedule 22 to, the 2011 Act.

(10) Section 1 was amended by section 80 of the Local Government Act 1972 (c. 70), section 31 of the Local Government (Scotland) Act 1973 (c. 65), Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), and section 99 of, and Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(11) Section 3A was inserted by section 202 of the Local Government and Public Involvement in Health Act 2007 and amended by Schedule 7 to the 2009 Act and Schedules 4 and 25 to the 2011 Act.

(12) Section 5 was amended by Part I of Schedule 4 to the Police and Magistrates Courts Act 1994 (c. 29), Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, Schedule 5 to the Local Government Act 2000 (c. 22), Schedules 12 and 18 to the Local Government and Public Involvement in Health Act 2007, section 184 of, and Schedules 14 and 22 to, the Marine and Coastal Access Act 2009 (c. 23), section 99 to, and Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 23) and S.I. 2001/2237.

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- (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 Combined Authority; and
- (d) subsection (7) were omitted.