
STATUTORY INSTRUMENTS

2018 No. 103

TRANSPORT, ENGLAND
LOCAL GOVERNMENT, ENGLAND

The Sub-national Transport Body
(Transport for the North) Regulations 2018

Made - - - - 22nd January 2018

Coming into force - - - 1st April 2018

These Regulations are made in exercise of the powers conferred by sections 102E, 102G, 102H, 102J, 102K, 102L and 102S of the Local Transport Act 2008⁽¹⁾.

The Secretary of State, having regard to a proposal made under section 102F(3)(a) of the Local Transport Act 2008, considers that the making of these Regulations will facilitate the development and implementation of transport strategies in the area to which these Regulations relate, and that the objective of economic growth in the area would be furthered by the development and implementation of such strategies.

The Secretary of State is satisfied that the area to which these Regulations relate meets the condition set out in section 102E(4) of the Local Transport Act 2008.

The constituent authorities for the area to which these Regulations relate, after consulting in accordance with section 102F(5) of the Local Transport Act 2008, have made a proposal for there to be a sub-national transport body for that area and have consented to the making of these Regulations in accordance with section 102F(3)(b) of that Act.

Consent has been obtained to the provisions made in these Regulations under section 102J of the Local Transport Act 2008 from those local authorities from which it is required under section 102J(6)(a) of that Act.

A draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 102T of the Local Transport Act 2008.

Accordingly, the Secretary of State makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Sub-national Transport Body (Transport for the North) Regulations 2018.

(1) 2008 c. 26; these sections were inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 21.

(2) These Regulations come into force on 1st April 2018.

Interpretation

2.—(1) In these Regulations—

“constituent authorities” means the following authorities—

- Blackburn with Darwen Borough Council;
- Blackpool Borough Council;
- Cheshire East Council;
- Cheshire West and Chester Council;
- The Council of the City of York;
- Cumbria County Council;
- The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority;
- The East Riding of Yorkshire Council;
- Greater Manchester Combined Authority;
- Kingston upon Hull City Council;
- Lancashire County Council;
- Liverpool City Region Combined Authority;
- North East Lincolnshire Council;
- North Lincolnshire Borough Council;
- North Yorkshire County Council;
- Sheffield City Region Combined Authority;
- Tees Valley Combined Authority;
- Warrington Borough Council;
- West Yorkshire Combined Authority;

“TfN” has the meaning given by regulation 3.

(2) References in these Regulations to the area of TfN are to the area for which TfN is established (see regulation 3(1)).

Establishment of Transport for the North

3.—(1) A sub-national transport body is established for the area consisting of the areas of the constituent authorities.

(2) The body is to be known as Transport for the North (“TfN”).

(3) TfN is to be a body corporate.

(4) TfN has the functions conferred or imposed upon it, or delegated to it, by these Regulations or by or under any other enactment (whenever passed or made).

Constitution

4. The Schedule makes provision about TfN’s constitution.

General Functions

5. TfN has the following general functions—
- (a) to prepare a transport strategy for its area;
 - (b) to provide advice to the Secretary of State about the exercise of transport functions in relation to its area (whether exercisable by the Secretary of State or others);
 - (c) to co-ordinate the carrying out of transport functions in relation to its area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
 - (d) if TfN considers that a transport function in relation to its area would more effectively and efficiently be carried out by TfN, to make proposals to the Secretary of State for the transfer of that function to TfN;
 - (e) to make other proposals to the Secretary of State about the role and functions of TfN.

Capital grants

- 6.—(1) The function of the constituent authorities as local authorities specified in section 56(2) of the Transport Act 1968(2) (power to make capital grants) is exercisable by TfN in relation to its area.
- (2) This function is exercisable concurrently with the constituent authorities.

Ticketing schemes

- 7.—(1) The functions of the constituent authorities as local transport authorities specified in the following provisions of the Transport Act 2000(3) are exercisable by TfN in relation to its area—
- (a) section 134C(1)(4) (power to make advanced ticketing schemes), and
 - (b) section 135(1)(5) (power to make other kinds of ticketing schemes).
- (2) These functions are exercisable concurrently with the constituent authorities.
- (3) For the purposes of this regulation, the following provisions apply to TfN as they apply to a local transport authority—
- (a) section 134C(9) to (11) (duties applicable when carrying out functions in relation to an advanced ticketing scheme);
 - (b) sections 134D to 134G(6) (other provisions applicable in connection with advanced ticketing schemes);
 - (c) section 135(7) and (8) (duties applicable when carrying out functions in relation to other kinds of ticketing schemes);
 - (d) sections 136(7) and 137(8) (other provisions applicable in connection with such ticketing schemes).

(2) 1968 c. 73; section 56 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 12, and the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 6.

(3) 2000 c. 38.

(4) Section 134C was inserted by the Bus Services Act 2017 (c.21), section 7.

(5) Section 135 was amended by the Local Transport Act 2008 (c.26), Schedule 1, paragraph 3(2).

(6) Sections 134D to 134G were inserted by the Bus Services Act 2017 (c.21), section 7.

(7) Section 136 was amended by the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

(8) Section 137 was amended by the Railways Act 2005 (c.14), Schedule 12, paragraph 17(2) and the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

Franchise agreements

8.—(1) Section 13 of the Railways Act 2005(**9**) (functions relating to franchising) has effect as if—

- (a) references to a Passenger Transport Executive included references to TfN, and
- (b) references to the area of a Passenger Transport Executive (or the integrated transport area) included references to TfN’s area.

(2) The functions of a Passenger Transport Executive specified in that section are exercisable by TfN in relation to its area concurrently with the constituent authorities by which the functions are exercisable in relation to their areas.

Highways

9.—(1) TfN has in relation to its area the functions set out in the Highways Act 1980(**10**) that are mentioned in regulations 10 and 11.

(2) The functions mentioned in regulation 10 are exercisable by TfN in relation to its area jointly with the Secretary of State.

- (3) The functions mentioned in regulation 11 are exercisable by TfN in relation to its area—
 - (a) concurrently with the local authorities by which the functions are exercisable in relation to areas within TfN’s area (whether as highway authorities or in other capacities), and
 - (b) subject to regulation 14 (in the case of the function mentioned in regulation 11(b)) and regulation 15 (in the case of any other functions mentioned in regulation 11).

10. The functions exercisable jointly with the Secretary of State are—

- (a) the function in section 6(5)(**11**) (power to enter agreement with local authority for works relating to trunk road),
- (b) the functions in sections 105A to 105C(**12**) (functions relating to environmental impact assessments),
- (c) the functions in section 239(1)(**13**) and (2)(**14**) (powers to acquire land in connection with highways), in relation to trunk roads,
- (d) the functions in section 239(3), (4) and (5) (powers to acquire land for improvement of a highway), insofar as those functions are exercisable by the Secretary of State,
- (e) the functions in section 240(1), (2)(a) and (6) (acquisition of land in connection with highways: further general powers), insofar as those functions are exercisable by the Secretary of State,

(9) 2005 c. 14; section 13 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 66(2) and the Deregulation Act 2015 (c.20), Schedule 8, paragraph 7.

(10) 1980 c. 66.

(11) Section 6(5) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(8)(a) and 7(8)(b).

(12) Section 105A was inserted by the Highways (Assessment of Environmental Effects) Regulations 1988 (S.I. 1988/1241), regulation 2 and amended by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2, the Countryside and Rights of Way Act 2000 (c.37), Schedule 10, paragraph 5, Schedule 15, paragraph 5 and Schedule 16, Part 3, the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 2, the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), Schedule 6, paragraph 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 30. Section 105B was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 3, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), article 4(1) and Schedule 2, paragraph 161 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 31. Section 105C was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007/1062, regulation 4 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 32.

(13) Section 239(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 45(2).

(14) Section 239(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 45(3)(a) and 45(3)(b).

- (f) the functions in section 246(1), (2)(**15**), (2A)(**16**) and (5) (powers to acquire land to mitigate effects of constructing or improving highway), insofar as those functions are exercisable by the Secretary of State, and
- (g) the functions in section 250(1) and (2) (powers relating to acquisition of rights over land), insofar as those functions are exercisable by the Secretary of State.

11. The functions exercisable by TfN in relation to its area concurrently with local authorities in relation to their areas are—

- (a) the function in section 8(1)(**17**) (power to enter agreement with local highway authorities etc for doing certain works),
- (b) the function in section 24(2)(**18**) (power of local highway authority to construct new highways),
- (c) the function in section 25(1)(**19**) (power to enter into agreement for creation of footpath etc),
- (d) the function in section 26(1)(**20**) (compulsory powers for creation of footpaths etc),
- (e) the function in section 239(1), in relation to a highway which is to be a highway maintainable at the public expense, other than a trunk road,
- (f) the functions in section 239(3), (4) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area,
- (g) the functions in section 240(1), (2)(a) and (6), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area,
- (h) the functions in section 246(1), (2), (2A) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area, and
- (i) the functions in section 250(1) and (2), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area.

12. For the purposes of regulations 10 and 11, the following references in the Highways Act 1980 have effect as if they included references to TfN—

- (a) the references to the Minister in—
 - (i) section 6(2)(**21**), (6)(**22**), and (8)(**23**),
 - (ii) section 10(2)(a)(i)(**24**),
- (b) the references to an “other” highway authority in section 8(3),
- (c) the references to a local authority in—

(15) Section 246(2) was amended by the Planning and Compensation Act 1991 (c.34), Schedule 15, paragraph 26.
(16) Section 246(2A) was inserted by the Planning and Compensation Act 1991 (c.34), section 62(2).
(17) Section 8(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 8(2)(a) and 8(2)(b).
(18) Section 24(2) was amended by the Local Government Act 1985 (c.51), section 102 and Schedule 17 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 17(4)(a) and 17(4)(b).
(19) Section 25(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
(20) Section 26(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 2(2)(a) to 2(2)(c).
(21) Section 6(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(5)(a) and 7(5)(b).
(22) Section 6(6) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(d) and Schedule 17, the Local Government (Wales) Act (c.19), Schedule 7, paragraphs 2(3)(a) to 2(3)(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 7(9).
(23) Section 6(8) was amended by the Contracting Out (Highway Functions) Order 1995 (S.I. 1995/1986), article 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(10)(a) and 7(10)(b).
(24) Section 10(2)(a)(i) was amended by the New Roads and Street Works Act 1991 (c.22), section 22(2)(a) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 10(2).

- (i) section 25(3), (5)(**25**) and (6)(**26**),
- (ii) section 26(2)(**27**), (3)(**28**) and (3A)(**29**),
- (iii) section 27(1)(**30**) and (3),
- (d) the reference to “Councils” in section 29(**31**),
- (e) the reference to the Secretary of State in section 105D(1)(**32**),
- (f) the reference to a “local highway authority” in section 247(1)(**33**),
- (g) the references to a highway authority in—
 - (i) section 247(6),
 - (ii) section 249(1),
 - (iii) section 250(1) and (2),
 - (iv) section 251(1), (2) and (4),
 - (v) section 252(1), (2) and (4),
 - (vi) section 260(1),
 - (vii) section 261(1)(**34**), (3)(**35**), (4)(**36**) and (6),
 - (viii) section 272(1)(**37**),
 - (ix) section 274,
 - (x) section 282(1) and (3),
 - (xi) the definition of “proposed highway” in section 329(1)(**38**),
- (h) the references to “the authority” in section 252(3), and
- (i) the reference to “the acquiring authority” in section 261(2)(**39**).

13.—(1) Section 14 of the Highways Act 1980(**40**) has effect as if the references to “the highway authority” in subsections (1)(a) and (7) included references to TfN.

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- (25) Section 25(5) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (26) Section 25(6) was inserted by the Wildlife and Countryside Act 1981 (c.69), section 64 and amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (27) Section 26(2) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (28) Section 26(3) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 18(3)(a) and 18(3)(b).
 - (29) Section 26(3A) was inserted by the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 1 and amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 18(4).
 - (30) Section 27(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (31) Section 29 was amended by the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 2.
 - (32) Section 105D(1) was inserted by the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 5 and amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 33.
 - (33) Section 247(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 48.
 - (34) Section 261(1) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (35) Section 261(3) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (36) Section 261(4) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (37) Section 272(1) was amended by the Planning (Consequential Provisions) Act 1990 (c.11), Schedule 2, paragraph 45(16).
 - (38) Section 329(1), to which there are amendments not relevant to these Regulations.
 - (39) Section 261(2) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (40) Section 14 was amended by the Water Act 1989 (c.15), section 190 and Schedule 27, Part 1, the Planning Act 2008 (c.29), Schedule 2, paragraph 23 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 12(a) and 12(b).

(2) An order under section 14 of the Highways Act 1980 in relation to TfN is to be made by the Secretary of State.

14. TfN may not exercise the function in section 24(2) of the Highways Act 1980 to construct a new highway unless the manner in which it proposes to exercise the function has been approved by—

- (a) each council, within the meaning of section 329(1) of that Act, through whose area the highway is to pass,
- (b) the person who is proposed to be the highway authority for the highway (if not a council within the meaning of section 329(1)),
- (c) the highway authority for any highway with which the new highway will communicate (if not a council within the meaning of section 329(1)), and
- (d) the Secretary of State.

15. TfN may not exercise any other function mentioned in regulation 11 in relation to the area of a local authority unless the manner in which it proposes to exercise the function has been approved by the local authority.

16. Section 36(2) of the Highways Act 1980(41) has effect as if a highway constructed by TfN were a highway maintainable at the public expense.

17. Section 39 of the Road Traffic Act 1988(42) (functions in relation to road safety etc) has effect as if TfN were a “relevant authority” for the purposes of subsection (3)(c) of that section (duty to take measures when constructing new roads to reduce the possibility of accidents arising out of the use of vehicles).

Finance

18.—(1) The constituent authorities must make a contribution in respect of any reasonably incurred costs of TfN if they all agree on—

- (a) the need for a contribution, and
- (b) the amount required.

(2) The amount of any contribution under paragraph (1) is to be apportioned between the constituent authorities—

- (a) in proportion to the total resident population of the area of each authority at the relevant date as estimated by the Statistics Board(43), or
- (b) on such other basis as may be agreed by all the constituent authorities.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years previously.

(4) Each constituent authority may contribute to the costs of TfN individually if it chooses to do so.

(41) Section 36(2) was amended by the Housing (Consequential Provisions) Act 1985 (c.71), Schedule 2, paragraphs 47(a) and 47(b), the Transport and Works Act 1992 (c.42), sections 64(2), 64(3) and Schedule 4, Part 1, the Planning (Consequential Provisions) Act 1990 (c.11), Schedule 2, paragraph 45(3), the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 5.

(42) 1988 c. 52; relevant amending instruments to section 39 are the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 121(3) and the Greater London Authority Act 1999 (c.29), sections 279(3) and 279(4)(a) to 279(4)(c).

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

Incidental

19.—(1) Section 9(5) of the Transport Act 1968(44) (power to provide services within passenger transport areas) has effect as if—

- (a) after “combined authority area” there were inserted “or the area of Transport for the North”, and
- (b) after “subsidiary of the Executive,” there were inserted “or Transport for the North (as the case may be)”.

(2) Section 1 of the Local Authorities (Goods and Services) Act 1970(45) has effect as if TfN were a local authority for the purposes of that section.

(3) The following provisions of the Local Government Act 1972 (46) have effect as if TfN were a local authority for the purposes of those provisions—

- (a) section 113 (secondment of staff)(47);
- (b) section 116 (member of TfN not to be appointed as officer)(48);
- (c) section 117 (disclosure by officers of interests in contracts)(49);
- (d) section 135 (standing orders for contracts);
- (e) section 142(2) (provision of information)(50);
- (f) section 222 (power to investigate and defend legal proceedings)(51);
- (g) section 239 (power to promote or oppose a local or personal Bill)(52).

(4) Sections 120, 121 and 123 of that Act (acquisition and disposal of land) have effect as if—

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- (44) 1968 c. 73; section 9(5) was amended by the Transport Act 1985 (c.67), sections 57(1)(b) and 58(2)(c), the Local Transport Act 2008 (c.26), Schedule 4, paragraph 2, the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), Schedule 2, paragraph 5 and the Combined Authorities (Consequential Amendments) Order 2014 (S.I. 2014/866), Schedule, paragraph 2(5).
 - (45) 1970 c. 39; section 1 was amended by the Local Government Act 1972 (c.70), Schedule 30, the Local Government (Scotland) Act 1973 (c.65), Schedule 27, paragraph 195, the Local Government Act 1985 (c.51), sections 1, 102 and 84, Schedule 14, paragraph 47 and Schedule 17, the Education Reform Act 1988 (c.40), sections 231(7), 235(6), 237(2) and Schedule 13, Part 1, the Housing Act 1988 (c.50), section 89(2), the Norfolk and Suffolk Broads Act 1988 (c.4), sections 21, 23(2), 27(2) and Schedule 6, paragraph 8, the Local Government (Wales) Act 1994 (c.19), section 25(8), the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 4, paragraph 5, the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 84, the Greater London Authority Act 1999 (c.29), section 388, the Criminal Justice and Police Act 2001 (c.16), Schedule 7, part 5, paragraph 1, the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 13, paragraph 29, the Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), Schedule 1, part 1, paragraph 4(2), the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 9, the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 94, the Localism Act 2011 (c.20), Schedule 20, paragraph 1 and Schedule 22, paragraph 2, the Deregulation Act 2015 (c.20), Schedule 13, paragraph 6(6) and the Policing and Crime Act 2017 (c.3), Schedule 1, paragraph 22
 - (46) 1972 c. 70.
 - (47) Section 113 was amended by the National Health Service Reorganisation Act 1973 (c.32), Schedule 4, paragraph 151(1), the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 13, the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), Schedule 1, paragraph 10(a), the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, paragraph 7, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraph 18, the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 51(a), the References to Health Authorities Order 2007 (S.I. 2007/961), Schedule, paragraph 8(2), the Health and Social care Act 2012 (c.7), Schedule 5, paragraph 17, Schedule 7, paragraph 3 and Schedule 17, paragraph 3.
 - (48) Section 116 was amended by the Local Government Act 1985 (c.51), section 102 and Schedule 17 and, in relation to England, by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (S.I. 2001/2237), article 8.
 - (49) Section 117 was amended by the Criminal Justice Act 1982 (c.48), sections 38 and 46.
 - (50) Section 142(2) was amended by the Local Government Act 1986 (c.10), section 3(1).
 - (51) Section 222 was amended by the Greater London Authority Act 1999 (c.29), Schedule 29, paragraph 20 and the Policing and Crime Act 2017 (c.3), Schedule 1, paragraph 26.
 - (52) Section 239 was amended by the Local Government Act 1985 (c.51), Schedule 14, paragraph 32, the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 13, paragraph 23, the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 37, the Local Government (Democracy) (Wales) Act 2013 (anaw 4), Schedule 1, paragraph 1(10) and the Deregulation Act 2015 (c.20), Schedule 13, paragraph 6(7)(u).

- (a) TfN were a principal council;
 - (b) section 120(1)(b) were omitted;
 - (c) section 121(2)(a) were omitted.
- (5) Section 29 of the Localism Act 2011 (registers of interests) has effect as if—
- (a) TfN were a relevant authority, and
 - (b) references to “the monitoring officer” were references to an officer appointed by TfN for the purposes of that section.
- (6) In the Local Government Pension Scheme Regulations 2013(53)—
- (a) in Schedule 2 (scheme employers), in Part 2 (employers able to designate employees to be in scheme), after paragraph 14 insert—
 - “15. Transport for the North.”;
 - (b) in Schedule 3 (administering authorities), in the table in Part 2 (appropriate administering authorities for categories of scheme members), at the end insert—

“An employee of Transport for the North Tameside Metropolitan Borough Council”

Signed by authority of the Secretary of State for Transport

22nd January 2018

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 4

Constitution

Membership

1.—(1) Each constituent authority is to appoint one of its elected members to be a voting member of TfN.

(2) The person appointed must be—

- (a) in the case of a constituent authority that has an elected mayor, the mayor or the elected member with responsibility for transport, or
- (b) in any other case, the leader of the constituent authority, the Chair or the elected member with responsibility for transport.

(3) Each constituent authority is to appoint another of its elected members to be a voting member of TfN in the absence of the member appointed under sub-paragraph (1) (the “substitute member”).

(4) A person appointed by a constituent authority to be a member or substitute member of TfN ceases to be a member or substitute member of TfN on ceasing to be a member of the constituent authority that made the appointment.

(5) A person appointed to be a member or substitute member of TfN may resign as a member or substitute member by written notice served on the proper officer of the constituent authority that made the appointment and the resignation takes effect on receipt of the notice by that officer.

(6) Where a person ceases to be a member or substitute member of TfN by virtue of sub-paragraph (4) or (5) the constituent authority that made the appointment must, as soon as practicable

- (a) give written notice of that fact to TfN, and
- (b) appoint another of its elected members in that person’s place.

(7) A constituent authority may at any time terminate the appointment of a member or substitute member appointed by it to TfN and appoint another of its elected members in that person’s place.

(8) Where a constituent authority exercises its power under sub-paragraph (7), it must give written notice of the new appointment and the termination of the previous appointment to TfN.

(9) The new appointment is to take effect and the previous appointment is to terminate at the end of—

- (a) the period of one week beginning with the day on which notice is given, or
- (b) such longer period not exceeding one month as is specified in the notice.

(10) Sub-paragraph (11) applies in relation to each local transport authority—

- (a) which is a member of Rail North Ltd or, at any time when Rail North Ltd no longer exists, was a member of Rail North Ltd immediately before it ceased to exist, and
- (b) which is not a constituent authority.

(11) Each local transport authority to which this sub-paragraph applies is to appoint one of its elected members to be a co-opted member of TfN.

(12) The chair of the Partnership Board (see paragraph 4) is to be appointed as a co-opted member of TfN.

(13) The voting members of TfN may appoint further co-opted members if they all agree to do so.

(14) Co-opted members of TfN are non-voting (subject to any resolution by the voting members under section 102G(5) of the Local Transport Act 2008⁽⁵⁴⁾)

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

Chair and vice-chair

2.—(1) TfN—

- (a) must in each year appoint a chair, and
- (b) may appoint one or more vice-chairs.

(2) The chair and any vice-chair may be appointed only from among the members of TfN, including the co-opted members.

Proceedings

3.—(1) There are to be at least 4 meetings per year of the members of TfN.

(2) A question to be decided by TfN on the matters in sub-paragraph (3) may be decided only if agreed by both—

- (a) members who together hold at least 75% of the votes in a weighted vote, and
- (b) a simple majority of the members.

(3) The matters are—

- (a) the approval or revision of TfN’s transport strategy,
- (b) the approval of TfN’s annual budget, and
- (c) the adoption of and any changes to TfN’s constitution.

(4) Except as provided in these Regulations, a question to be decided by TfN on any other matter may be decided only if agreed by members who together hold more than 50% of the votes in a weighted vote.

(5) For the purposes of this regulation, a “weighted vote” is—

- (a) in the case of a question about the management of the Northern or TransPennine Express franchises, a vote in which the number of votes to be cast by a member appointed by a constituent authority is determined by multiplying the percentage of passenger miles on the Northern and TransPennine Express franchises that are in the area of the constituent authority by ten, and, if the result is not a whole number, rounding to the nearest whole number, and
- (b) in any other case, a vote in which the number of votes to be cast by a member appointed by a constituent authority is determined by dividing the total resident population of the area of that constituent authority at the relevant date as estimated by the Statistics Board by 200,000, and, if the result is not a whole number, rounding up to the next whole number.

(6) For the purposes of sub-paragraph (5)(b) the relevant date in relation to a vote is 30th June in the financial year which commenced two years before the financial year in which the vote takes place.

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

(8) In this paragraph, references to “members”—

- (a) are to the members present at a meeting of TfN who are entitled to vote in relation to the question to be decided, and

⁽⁵⁴⁾ 2008 c.26; this section was inserted by the Cities and Local Government Devolution Act 2016 (c.1), section 21.

- (b) include references to “substitute members”.

Partnership Board

4.—(1) TfN is to establish a board (the “Partnership Board”) to advise TfN on matters relating to transport to, from or within the area of TfN.

- (2) TfN is to appoint a person to chair the Partnership Board.

Scrutiny committee

5.—(1) TfN must appoint a committee (the “scrutiny committee”) to—

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by TfN of its functions,
- (b) make reports or recommendations to TfN with respect to the discharge by TfN of its functions, and
- (c) make reports or recommendations to TfN on matters relating to transport to, from or within TfN’s area.

(2) Each constituent authority is entitled to appoint—

- (a) one member of the authority to be a member of the scrutiny committee, and
- (b) one member of the authority to be a member of the scrutiny committee in the absence of the person appointed under paragraph (a) (a “substitute member”).

(3) In sub-paragraph (2) the references to a “member of the authority” are to—

- (a) in the case of a constituent authority which is a combined authority, an elected member of the combined authority or of any of the constituent councils of the combined authority, and
- (b) in the case of a constituent authority which is not a combined authority, an elected member of that constituent authority.

(4) No person who is a member of TfN (including as a substitute member or a co-opted member) may be appointed to be a member or a substitute member of the scrutiny committee.

Standing orders

6. TfN may make and vary or revoke standing orders for the regulation of—

- (a) its proceedings and business, and
- (b) the proceedings and business of the scrutiny committee.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish Transport for the North (TfN) as a sub-national transport body.

Part 5A of the Local Transport Act 2008 (as inserted by section 21 of the Cities and Local Government Devolution Act 2016) (“the 2008 Act”) provides for the establishment of sub-national

transport bodies for the whole of the area of two or more relevant authorities. Sub-national transport bodies are bodies corporate which may be given power to exercise specific functions.

Regulations 1 to 4, and the Schedule, set out the name, commencement, interpretation, establishment and constitution of Transport for the North.

Regulations 5 to 8 provide for TfN's general transport functions, powers to make capital grants and set up ticketing schemes and confer some Passenger Transport Body powers under s13 of the Railways Act 2005 in relation to rail franchising.

Regulations 9 to 12 provide for TfN to exercise various functions under the Highways Act 1980 as regards highways, concurrently with local authorities and jointly with the Secretary of State.

Regulations 12 and 13 provide for various references in the Highways Act 1980 to be treated as if they included references to TfN, so as to enable TfN to undertake various highways related functions.

Regulation 14 provides that prior to exercising the function of constructing new highways, TfN must first obtain the approval of various authorities and the Secretary of State, as to the manner in which it intends to exercise that function.

Regulation 15 provides that TfN may not exercise any other function listed in regulation 11, concurrently with a local authority, unless the manner in which it proposes to exercise such function has been approved by the local authority.

Regulation 16 ensures that a highway constructed by TfN will be maintainable at the public expense.

Regulation 17 places TfN under a duty, when constructing a new highway, to take such measures as appear to it to be appropriate to reduce the possibilities of accidents when that highway comes into use.

Regulation 18 makes provision for the constituent authorities to make a contribution in respect of any reasonably incurred costs of Transport for the North.

Regulation 19 makes some incidental provisions relating to Transport for the North to enable it to carry out its functions effectively.

An Explanatory Memorandum and a Parliamentary Report by the Secretary of State are available with these Regulations on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.