
STATUTORY INSTRUMENTS

2014 No. 0000

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Transport Levying Bodies (Amendment) Regulations 2018

Laid before Parliament in draft

Made - - - - ***

Laid before Parliament ***

Coming into force - - ***

The Secretary of State, in exercise of the powers conferred by sections 74 and 143(1) and (2) of the Local Government Finance Act 1988(a), makes the following Regulations:

In accordance with section 143(4B) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Transport Levying Bodies (Amendment) Regulations 2018.

(2) These Regulations come into force on ***

Preliminary

2.The Transport Levying Bodies Regulations 1992(b) are amended in accordance with the following provisions of these Regulations.

(a) 1988 c. 41. Section 74 was amended by the Local Government Finance Act 1992 (c. 14), paragraph 72 of Schedule 13; the Courts Act 2003 (c. 39), paragraph 305(a) of Schedule 8; the Fire and Rescue Services Act 2004 (c. 21), Paragraph 68(2) of Schedule 1; the Public Involvement in Health Act 2007 (c.28), paragraph 16(2) of Schedule 1; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 1 of Schedule 7(4) and paragraph 75 of Schedule 6; the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 182(a) of Schedule 16; the Localism Act 2011 (c. 20), paragraph 2 of Schedule 7; the Cities and Local Government Devolution Act 2016 (c. 1), section 9(1) and (2) and paragraph 10 of Schedule 5; S.I. 1994/2825. Section 143(4B) was inserted by the Cities and Local Government Devolution Act 2016, paragraph 11 of Schedule 5. There are further amending instruments relating to sections 74 and 143 but none is relevant.

(b) S.I. 1992/2789, amended by S.I. 2012/213, S.I. 2015/27 and S.I. 2017/603.

Interpretation

3. In regulation 2, for the definition of “combined authority”, substitute—

““combined authority” means a body which is specified in paragraph (aa), (ab), (ac), (ad), (ae), (af), (ag) or (ah) of regulation 3;”.

Application

4. In regulation 3, after paragraph (ag) insert—

“(ah) the Cambridgeshire and Peterborough Combined Authority established by the Cambridgeshire and Peterborough Combined Authority Order 2017(a),”.

Apportionment of levies

5.—(1) In regulation 7(4)—

(a) In sub-paragraph (ac) after “in accordance with regulation 7C,” omit “and”.

(b) After sub-paragraph (ac) insert—

“(ad) in the case of the levies to be issued by the Cambridgeshire and Peterborough Combined Authority, in accordance with regulation 7D, and”.

6. After regulation 7C insert the following regulation—

“Calculation and apportionment of levies issued by the Cambridgeshire and Peterborough Combined Authority

7D.—(1) The amounts of the levies to be issued by the Cambridgeshire and Peterborough Combined Authority (“the Authority”) to Cambridgeshire County Council and Peterborough City Council (“the upper-tier authorities”) for the financial year 2018 to 2019, or any subsequent financial year, are to be determined in accordance with the following provisions of this regulation.

(2) The Authority shall apportion their estimated relevant expenditure for the financial year in question in such proportion as the upper-tier authorities agree.

(3) In default of such agreement, the Authority shall apportion its estimated relevant expenditure for the financial year in question in the same proportion to the amount that each of the upper-tier authorities has spent on the transport functions mentioned in article 8 of the Cambridgeshire and Peterborough Combined Authority Order 2017 (“the 2017 Order”) in the financial year ending on 31st March 2017.

(4) Where, as respects any financial year, the authority estimate that the apportionment of its actual income will differ from that estimated under paragraph (2) or (3), the Authority must make appropriate adjustments to its estimates under paragraph (2) or (3) for the ensuing financial year.

(5) 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 payable by the upper-tier authorities under article 6(1) of the 2017 Order, so far as these relate to transport functions listed within article 8 of that Order, reflect the actual expenditure of the Authority.

Signed by authority of the Secretary of State for Transport

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations further amend the Transport Levying Bodies Regulations 1992 (“the principal regulations”) in consequence of the establishment of new combined authorities (as specified in regulation 4(2)) under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.

Regulation 4 amends regulation 3 of the principal regulations so as to include, in the list of authorities to which those Regulations apply, the West of England Combined Authority and the Cambridgeshire and Peterborough Combined Authority. Regulation 5 adopts, for the West of England Combined Authority, the provision for levies used by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, the Greater Manchester Combined Authority, the West Yorkshire Combined Authority and the West Midlands Combined Authority, and also makes consequential amendments to regulation 7 of the principal regulations. Regulation 6 inserts new regulation 7D into the principal regulations to make special provision for levies issued by the Cambridgeshire and Peterborough Combined Authority.

No impact assessment has been prepared as this instrument will have no impact on the costs of business and the voluntary sector. The Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk