

JOINT SCHEME MADE PURSUANT TO THE GREATER MANCHESTER COMBINED AUTHORITY ORDER 2011

This Scheme is made the 1st day of April 2011 by THE BOROUGH COUNCIL OF BOLTON of the first part BURY METROPOLITAN BOROUGH COUNCIL of the second part THE COUNCIL OF THE CITY OF MANCHESTER of the third part OLDHAM BOROUGH COUNCIL of the fourth part ROCHALE METROPOLITAN BOROUGH COUNCIL of the fifth part SALFORD CITY COUNCIL of the sixth part THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT of the seventh part TAMESIDE METROPOLITAN BOROUGH COUNCIL of the eighth part TRAFFORD METROPOLITAN BOROUGH COUNCIL of the ninth part and WIGAN BOROUGH COUNCIL of the tenth part (all of which parties are hereinafter referred to as “the constituent councils”)

WHEREAS:-

1. By virtue of the Greater Manchester Combined Authority Order 2011 (“the Order”) the Secretary of State has established a Combined Authority known as the Greater Manchester Combined Authority (“the GMCA”).
2. The functions of the GMCA are those functions conferred or imposed on it by the Greater Manchester Combined Authority Order 2011 or by any other enactment (whenever passed or made) or as may be delegated to it by the Order or any other enactment (whenever passed or made).

3(1) By virtue of Article 8 of the Order the following functions of the constituent councils have been delegated to the GMCA:-

(a) under Section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals.

(b) under Section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by Regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997 and

(c) under Section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports).

3(2) For the purposes of Article 8 of the Order “traffic light signal” means a traffic sign of the size, colour and type prescribed by Regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.

4. Article 16 of the Order provides:-

- (1) that each constituent council must make a scheme for the transfer of its property, rights and liabilities to the GMCA or to Transport for Greater Manchester ("TfGM") or to the GMCA and TfGM as soon as reasonably practicable.
- (2) the property, rights and liabilities that are to be the subject of the scheme are those relating to the transport functions of each constituent council delegated to the GMCA by Article 8 of the Order.
- (3) any transfers by the scheme are to take effect on such date as may be specified in the scheme.
- (4) The requirement in paragraph (1) may be fulfilled by a scheme or schemes made jointly by two or more of the constituent councils.

5. By virtue of Article 17 of the Order:-

- (1) the transfer or delegation by the Order or a scheme made under it, of the functions, property, rights or liabilities of a constituent council to the GMCA or TfGM does not affect the validity of anything done by or in relation to the constituent council before the date on which the transfer or delegation takes effect.

(2) there may be continued by or in relation to the GMCA or TfGM anything (including legal proceedings) which:-

(a) relates to any of the functions, property, rights or liabilities transferred or delegated; and

(b) is in the process of being done by or in relation to the constituent council immediately before the transfer or delegation takes effect.

(3) Anything which:-

(a) was made or done by or in relation to the constituent council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred or delegated; and

(b) is in effect immediately before the transfer or delegation takes effect,

has effect as if made or done by or in relation to the GMCA or TfGM.

- (4) The GMCA or the TfGM shall be substituted for the constituent councils in any instruments, contracts or legal proceedings which -
- (a) relate to any of the functions, property, rights or liabilities transferred or delegated; and
 - (b) are made or commenced before the transfer or delegation takes effect.
- (5) A reference in Article 17 of the Order to anything made or done by or in relation to a constituent council includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the constituent council.

NOW THEREFORE in pursuance of Article 16 of the Order the constituent councils HEREBY JOINTLY MAKE the following Scheme:-

1. **INTERPRETATION**

In this Scheme the following terms shall have the following meanings:-

“constituent councils” means the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan

“combined area” means the area consisting of the areas of the constituent councils

“the Article 8 functions” means those functions delegated to the GMCA by Article 8 of the Order

“the Order” means the Greater Manchester Combined Authority Order 2011

“the GMCA” means the Greater Manchester Combined Authority

“operative date” means 1st April 2011

“light signal” means:-

- (a) a traffic sign of the size, colour and type prescribed by Regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 (“traffic light signals”) and
- (b) traffic signs which are vehicular light signals, pedestrian light signals, indicators for pedestrians and pedestrian demand units of the size, colour and type specified in the Zebra, Pelican and Puffin Crossing Regulations 1997

2. **Transfer of Property**

(1) All property to which this clause relates shall from the operative date vest in the GMCA

(2) This clause applies to any property of a description specified in the Schedule to the Scheme which immediately before the operative date is held by any of the constituent councils solely for the purposes of the Article 8 functions.

3. **Transfer of Rights and Liabilities**

All rights and liabilities (other than rights and liabilities under a contract of employment) of the constituent councils relating to the Article 8 functions including the property transferred by this Scheme and subsisting immediately before the operative date shall from the operative date vest in the GMCA.

4. This document may be executed in any number of counterparts, each of which when executed and delivered constitutes an original of this document but all the counterparts shall together constitute the same document.

Schedule – Property, Rights and Liabilities transferred to the GMCA

1. All light signals including standards or brackets the primary purpose of which is the support of the light signal.

2. All computers, traffic signal controllers and other devices needed or capable of being used solely for controlling or changing information given by means of light signals to any class of road traffic (including pedestrians).
3. Any other thing which is connected to any property of a description specified at paragraph 1 or 2 of this Schedule by electrical, optical, mechanical or other means including (without prejudice to the generality of the foregoing) the cable and duct system and associated inspection chambers, detection or surveillance equipment, television cameras and machinery and apparatus forming part of a central or local system for monitoring or controlling traffic flow and movements provided that such thing is required solely for the purposes of carrying out the Article 8 functions.
4. All equipment used solely for recording and analysing, and records relating to, statistics and other information in respect of vehicles, drivers and road traffic generally in relation to the Article 8 functions.
5. All computer software and related manuals, records and other documents and also all copyrights and other rights of user in or related to any property of a description specified in paragraphs 1, 2, 3 and 4 of this Schedule and used solely for the purposes of the Article 8 functions.

6. All other equipment located within or on the premises appropriated solely for the accommodation and used solely by staff engaged in the Article 8 functions.

7. Any property of a description not specified in the preceding paragraphs of this Schedule (except premises, land and buildings) and forming part of or used or acquired solely for the purposes of carrying out the Article 8 functions.

IN WITNESS WHEREOF this Scheme has been executed by the parties hereto as a Deed and delivered on the date and year first above written.

The Common Seal
of the Borough of
the Council of Bolton
was hereunto affixed
in the presence of:-

Authorised Signatory

The Common Seal
of Bury Metropolitan
Borough Council
was hereunto affixed

in the presence of:-

Authorised Signatory

The Common Seal
of the Council of the City
of Manchester was
hereunto affixed

in the presence of:-

Authorised Signatory

The Common Seal
of Oldham
Borough Council was
hereunto affixed in the
presence of:-

Authorised Signatory

The Common Seal
of Rochdale Metropolitan
Borough Council was hereunto

affixed in the presence of:-

Authorised Signatory

The Common Seal

of Salford City

Council was hereunto

affixed in the presence of:-

Authorised Signatory

The Common Seal of the

Metropolitan Borough

Council of Stockport was hereunto

affixed in the presence of:-

Authorised Signatory

The Common Seal

of Tameside Metropolitan

Borough Council was hereunto

affixed in the presence of:-

Authorised Signatory

The Common Seal

of Trafford Metropolitan Borough

Council was hereunto

affixed in the presence of:-

Authorised Signatory

The Common Seal

of Wigan Borough Council

was hereunto

affixed in the presence of:-

Authorised Signatory