

# GREATER LONDON AUTHORITY ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part Iv: Transport**

242. The special position of London as the capital and the largest city in Great Britain has given rise to the development of separate statutory codes for London in respect of transport. This Part of the Act makes further provision as to transport in London and adapts much of that legislation to the new governmental structure, in some cases repealing and re-enacting it with modifications. The Mayor's transport policy is to be embodied in a strategy. A new body called "Transport for London" is set up under the direct control of the Mayor and will, in due course, subsume the role of LRT, combining it with responsibilities relating to roads, traffic regulation, water transport and the licensing of taxis and private hire vehicles.

#### *Chapter I: Transport Functions of the Authority*

##### *Section 141: The general transport duty*

243. *Section 141* gives the Mayor a general duty to develop and implement policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within London.

##### *Sections 142 to 144: The transport strategy*

244. *Section 142* requires the Mayor to prepare a transport strategy for London setting out his proposals for fulfilling the duty under section 141, including his proposals for providing transport for people with mobility problems and a timetable for implementing those proposals. The duty and the strategy will not be confined to those forms of transport for which the Mayor or TfL will be directly responsible. The duty encompasses all forms of transport, including walking, and does not apply only to users of transport who are resident in London. It covers the movement of goods as well as people.
245. *Section 143* gives the Secretary of State a limited power to direct the Mayor to change the transport strategy. The Secretary of State will only be able to use this power where the strategy would be inconsistent with national policy and have an adverse effect outside Greater London. In accordance with *section 144*, London borough councils, the Common Council and any other statutory body exercising transport functions will be required to have regard to the strategy. The Mayor can issue guidance about the implementation of the strategy to other bodies that must also have regard to it.
246. The transport strategy will be subject to sections 41 to 44 of the Act, which make general provision for the preparation and publication of strategies. These include provisions on timing, the need to have regard to available resources and the persons to be consulted by the Mayor.

### **Sections 145 to 153: Local implementation plans**

247. *Section 145* requires the London borough councils and the Common Council to prepare local implementation plans ("LIPs") setting out their own proposals on how they intend to put the transport strategy into effect in their respective areas. The councils are required to consult various bodies and must include a timetable for when they intend to implement the proposals in their plan.
248. *Section 146* provides for the Mayor to approve each local plan, ensuring that they adequately implement the transport strategy. He must not approve a plan unless he is satisfied that it is consistent with the strategy, and that the proposals in it are adequate to implement the strategy and that the timetable for implementation is adequate for those purposes.
249. *Section 147* gives the Mayor various means by which he can ensure that a plan is prepared to his satisfaction if a council fails to do so and can recover the cost of preparing a plan himself in default.
250. *Sections 148 to 150* provide for the revision of LIPs when the transport strategy is revised and enable councils to propose revisions of their own to their LIPs, after their LIPs have been approved by the Mayor. They also enable the Mayor to recover any reasonable expenses from Boroughs when he has had to prepare or implement a revised LIP on their behalf.
251. *Section 151* provides that once a plan has been approved the council must implement it according to the timetable in the plan. A plan prepared by the Mayor for a council will be treated as if the council itself had written it.
252. *Section 152* provides that if the Mayor considers that a council has not carried out any proposal in its LIP satisfactorily and according to the timetable in the plan, he will be able to exercise the appropriate powers of the council, at their expense, in order to fulfil the strategy.
253. *Section 153* provides that the Mayor may give legally binding directions to councils on the manner in which they perform any of their duties set out in sections 145 to 151, i.e. provisions on the preparation, submission, re-submission, revision and implementation of local implementation plans.

### **Chapter Ii: Transport for London**

#### **Sections 154 to 168: Transport for London**

254. *Section 154* establishes Transport for London (TfL) as a statutory corporation and requires it to exercise its functions in accordance with guidance or directions given by the Mayor and in order to facilitate the general duty of the authority, and to implement the transport strategy.
255. *Section 154(4)* introduces *Schedule 10*.
256. *Paragraph 1* of *Schedule 10* provides that TfL is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its staff and property are not to be regarded as civil servants or property of the Crown. Thus it will not have the benefit of the rule that a statute does not bind the Crown except by express provision or necessary implication. The powers of TfL will be restricted to powers conferred by the Act and powers incidental to those powers.
257. *Paragraphs 2 and 3* provide that TfL is to have between eight and fifteen members, all of whom will be appointed by the Mayor. The Mayor may choose to be a member of TfL and, if so, shall be the Chairman. In making appointments, the Mayor will have to consider the desirability of ensuring that TfL members, between them, have experience of transport, finance and commerce, national and local government and the organisation

of trade unions or matters relating to workers generally. The membership of TfL will also need to represent the interests of women and disabled people. Apart from the Mayor, no holders of specified political offices (including Members of either House of Parliament and Councillors) may be members of TfL.

258. *Paragraphs 4 to 10* provide that TfL will be able to decide for itself how its committees, sub-committees and individual officers will operate, and what functions each will have. TfL will be treated as a local authority for the purposes of the provisions of the Local Government Act 1972 relating to the appointment of joint committees with other local authorities and the discharge of functions through such committees but not so as to disqualify TfL's representatives on such committees from voting if they are not members of TfL itself. Written records will have to be made of all meetings of committees and sub-committees.
259. *Paragraphs 11 and 12* provide for the authentication of TfL's official seal on documents. Documents proceeding from TfL and purporting to be sealed by TfL or signed or executed by a duly authorised person are presumed to have been duly issued unless the contrary is shown.
260. *Paragraph 13* makes provision for matters in which a member of TfL has an interest.
261. *Section 155* confers on the Mayor a very wide power of control over TfL. The Mayor is given power to issue guidance and general or specific directions as to the exercise of any of the functions (duties as well as powers and operational as well as policy matters) of TfL. Directions and guidance must be in writing.
262. *Section 156* provides that TfL will have general powers to form companies and make agreements. These powers are similar but not identical to those of LRT under section 3 of the London Regional Transport Act 1984 (LRT Act 1984), as amended by the London Regional Transport Act 1996. TfL will be able to form, promote or assist companies, either by itself or with others, in order to carry on activities it has powers to carry on with or without activities which it does not have power to carry on.
263. TfL will be able to enter into agreements with others for the carrying on of activities which it has power to carry on or, in specified circumstances, which it does not have power to carry on. Such agreements can for example include arrangements for joint operation, ticketing and revenue pooling between TfL and the other party.
264. Where such agreements have been entered into by LRT prior to its abolition, the effect of provision made by or under Chapter XVI or Part XII will be that TfL will take on LRT's obligations under any such agreements. TfL will be able to transfer its relevant property, rights and liabilities to the company or person with whom they have the agreement if that would be necessary for the purposes of the agreement.
265. *Schedule 11*, which is introduced by *section 156(8)*, sets out miscellaneous powers of TfL.
266. *Paragraphs 1 to 3* enable TfL to carry passengers, luggage and other goods by any form of land or water transport to, from or within Greater London. TfL will also be able to enter into agreements with others to provide air transport between places in Greater London or places in Greater London and places outside. TfL will be able to store goods that are to be or have been carried.
267. *Paragraphs 4 to 6* provide that TfL will be able to provide incidental amenities and facilities for use by other parties with whom TfL has entered into agreements to carry out transport services. For example, TfL might agree to provide a private bus company with a rest room for off-duty drivers. TfL may also provide (or agree with others to provide) amenities and facilities that TfL thinks would benefit people using other transport facilities and services, whether or not those facilities and services are themselves provided by TfL - for example, TfL might provide a snack bar at a station.

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(c.29) which received Royal Assent on 11th November 1999*

TfL will also be able to provide car parks, and parking for public service vehicles (such as buses).

268. *Paragraph 7* enables TfL to charge for the services and facilities it provides.
269. *Paragraph 8* empowers TfL to manufacture, maintain and repair machinery and components whether they belong to TfL or to other parties.
270. *Paragraph 9* enables TfL to provide professional or technical assistance and advice to others, and to charge for that service.
271. *Paragraph 10* enables TfL to enter into reciprocal arrangements with other transport operators for ancillary services, such as the sale of tickets or the provision of travel information to the public.
272. *Paragraphs 11 to 13* enable TfL to hire out its vehicles and to sell or lease any of its assets which the Mayor does not require for the implementation of the transport strategy. TfL can also: supply spare parts for any passenger road vehicles it sells; use any resources which it does not require for other purposes (such as letting out surplus office space); and spend a reasonable amount of money on the exploitation of commercial opportunities arising from activities it carries out in the discharge of its functions.
273. *Paragraph 14* enables TfL to provide and maintain facilities for the transfer of freight between a waterway or a railway and another mode of transport.
274. *Paragraphs 15 to 21* enable TfL to acquire, develop, sell and/or lease land.  
*275Paragraph 19* enables TfL to be authorised, by order confirmed by the Secretary of State and submitted to him with the consent of the Mayor, to acquire land compulsorily.
276. *Paragraph 22* enables TfL to carry out research and development work in areas related to its transport functions, or enter into agreements with others to do that work.
277. *Paragraph 23* enables TfL to promote the welfare and efficiency of employees, and the efficiency of its equipment.
278. *Paragraphs 24 and 25* enable TfL to buy other businesses if the assets of those businesses are wholly or mainly required for purposes of discharging any of its functions, and to subscribe for or acquire securities of a body corporate for the purposes of discharging any of its functions.
279. *Paragraphs 26 and 27* give TfL the power to make byelaws for its railways and its piers.
280. *Paragraph 28* enables TfL to provide and maintain a transport museum, and to make a charge for admission.
281. *Paragraph 29* provides that when letting vehicles for hire or developing land, TfL and its subsidiaries must act as if they were commercial businesses.
282. *Paragraph 30* ensures that TfL has power to make investments by lending money, to acquire securities and to inherit loans or guarantees made by LRT and any securities acquired by LRT.
283. *Paragraph 31* provides that TfL is not to be regarded as a "common carrier" and will therefore not be subject to the duties and liabilities which, at common law, that status implies (such as those in respect of the acceptance of goods for carriage, rates to be charged, and liability for loss or damage). TfL is also relieved of the obligations contained in local enactments to provide connections to private railway sidings, to permit privately-owned wagons to use its railways and to provide or maintain any other railway services or facilities.
284. *Paragraph 32* enables TfL to do all other things necessary or expedient for the discharge of its functions.

285. *Paragraph 33* enables TfL to fulfil contracts entered into by its predecessor bodies before their abolition.
286. *Section 157* enables the Secretary of State by order made with the consent of the Treasury to specify activities which TfL is not to carry on except through a subsidiary or a jointly owned company. By virtue of section 419 TfL itself, but not its subsidiaries, will be exempt from income, corporation and capital gains tax. By requiring TfL to carry on certain activities only through subsidiaries, an order under this section will have the effect of defining those activities of TfL which will attract liability to tax and those which will not. Further orders could be made in the future to ensure that if the activities concerned are carried on they are carried on through a subsidiary of TfL and are taxable accordingly.
287. *Section 158* gives the Mayor a power, subject to confirmation by the Secretary of State (by order, subject to the negative procedure), to transfer TfL functions under any statutory provision to other persons. It is expected that this power will be used in relation to functions under local Acts, and orders under the Transport and Works Act 1992, for the facilitation of private finance initiatives.
288. *Section 159* allows TfL to give financial assistance (by grant or loan or other means) to any person or body for expenditure conducive to the provision of safe, integrated, efficient and economic transport facilities. For example grants could be made to London borough councils and the Common Council or to voluntary organisations (such as Dial-a-Ride) to provide transport services to meet the needs of disabled London residents. The Secretary of State's power under the Local Government Finance Act 1988 to make transport grants to the London borough councils and the Common Council is repealed.
289. *Section 160* gives TfL the power to guarantee the obligations of its subsidiaries or of any person with which it has an agreement under section 156(3) or (4). It also allows TfL to procure such a guarantee from a third party, for example from a bank or insurance company, and to indemnify the person who gives the guarantee. TfL is required by section 161 to include in its published annual report details of any financial assistance, guarantees or indemnities it has given. By section 171 LRT is also given power to procure guarantees.
290. *Section 161* requires TfL to prepare an annual report on its performance and submit it to the Authority as soon as possible after the end of the financial year. The annual report must include an explanation of how TfL has contributed to the implementation of the transport strategy, as well as how the activities of any subsidiary companies have contributed. The Mayor may specify what information on these topics or other aspects of TfL's performance should be included in the annual report. The section also sets out the arrangements for the publication of the report.
291. *Section 162* places a duty on TfL to make available such information about public transport services in London, including services provided by other persons, as it thinks fit. Subsection (3) prevents TfL from charging for the provision of information about its own services, but allows it to charge for providing information about other operators' services.
292. *Section 163* provides that TfL cannot dispose of operational land such as railway or tramway lines or stations, either through freehold sale or lease of over 50 years, without the consent of the Secretary of State. That consent is to be given by means of an order made by statutory instrument subject to the negative resolution procedure. Consent is not required if the land in question has ceased to be operational land for a period of at least five years. The Secretary of State's consent may be given in respect of any particular transaction or description of transactions.
293. *Section 164* places the Mayor and TfL under a duty to ensure that the subsidiaries of TfL do not do anything that TfL has not been given power to do by the Act, even though the subsidiary may be acting within the powers conferred by its memorandum and articles.

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294. *Section 165* enables TfL to make schemes transferring property, rights and liabilities between itself and its subsidiaries or between subsidiaries. Schemes provide a simplified procedure for property transfer, avoiding the cost and time of the normal process of conveyancing. Schemes are subject to the approval of the Mayor who may modify a scheme on approval. The section introduces Schedule 12.
295. *Schedule 12* makes further provision as to schemes under section 165.
296. *Paragraph 2* provides for the contents of schemes and that certain rights are not to be exercisable or operate in consequence of a scheme transfer. It lays down the principle that the transferor and transferee under a scheme are to be treated in law as the same person for purposes connected with any transfers, except so far as the scheme or any instrument or agreement made in connection with it provides otherwise. *Paragraph 3* provides for the apportionment or division of property, rights and liabilities and *paragraph 4* enables a scheme to define the transferred assets, rights and liabilities by specifying or describing them or by reference to part of the transferor's undertaking or by a combination of any such means.
297. *Paragraph 5* allows for the creation of rights and liabilities in relation to transferred property or property retained by the transferor. *Paragraph 6* allows schemes to make such supplementary, incidental, consequential or transitional provision as TfL considers appropriate.
298. *Paragraph 7* enables schemes to transfer or reallocate functions exercisable by TfL under a local Act or an order under the Transport and Works Act 1992. The transfer of functions will be subject to confirmation by order of the Secretary of State. This is consistent with the power in section 142 of the Act for the Mayor to transfer statutory functions of TfL to other bodies. *Paragraph 8* states the legal effect of a transfer scheme. *Paragraph 9* provides for legal continuity following a transfer by scheme.
299. Schemes can provide for the transfer of an employer's rights under a contract of employment. *Paragraph 10* provides for continuity of rights and liabilities as between employees and the new employer. For example, employees' terms and conditions, their continuity of service and pension rights and their right to redundancy payments under the Employment Rights Act 1996 will not be affected.
300. *Paragraph 11* deals with the provision of information to TfL by PPP companies and PPP related third parties (see the notes on Chapter III below) where this is necessary to draw up a scheme and provides for legal sanctions for non-compliance. *Paragraph 12* provides for the retrospective modification of a transfer scheme, by written agreement of TfL and other parties involved. Employment provisions may not be amended in this way, unless the employees agree. Agreements under paragraph 12 require the Mayor's approval, which may be conditional on further modifications being made to the scheme.
301. *Section 166* provides the procedure for Transport for London to make byelaws where no other procedure has been specified.
302. *Section 167* gives TfL powers to promote and oppose local Bills in Parliament. The section introduces *Schedule 13* which sets out the detailed arrangements for the promotion and opposition of local Bills, which are similar to those for the GLA itself, set out in Schedule 5.
303. *Section 168* enables TfL to apply to the Secretary of State for Orders under the Transport and Works Act 1992 without having to follow the same procedure as that which TfL must follow for promoting local Bills. Such Orders give statutory authorisation to railways, other guided transport systems, canals, and interference with navigation rights.
304. *Section 169* defines the term "transport subsidiary's agreement". Such agreements are those which are entered into by a TfL subsidiary in similar circumstances to those in which TfL itself can enter into such agreements by virtue of section 156(2) and (3).

### **Chapter Iii: London Regional Transport**

#### **Sections 170 to 172**

305. *Section 170* amends section 9 of the LRT Act 1984 so as to introduce a definition of “disposal”. That section gives LRT powers to dispose of businesses, thus providing a means of transferring to private sector PPP companies the assets that they will need in order to carry out their activities. The definition clarifies the extent of the disposal power so that it embraces disposals of assets under PPP agreements for a limited period after which the assets will revert to the public sector. Provision for the transition from LRT to TfL is made in Chapter XVI.
306. *Section 171* amends section 17 of the LRT Act 1984 so as to give LRT the same power to procure guarantees as Transport for London under section 160(4) and (5).
307. *Section 172* amends section 27 of the LRT Act 1984 which makes supplementary provision as to transfer schemes under sections 4, 5 and 9 of that Act. The powers under section 9 would enable schemes to be made for the transfer of assets to subsidiaries of London Underground Limited, prior to the transfer of those subsidiaries to the private sector, to establish the London Underground Public Private Partnership.

### **Chapter Iv: Public Passenger Transport**

#### **Sections 173 to 178**

308. *Section 173* gives TfL its power to provide, or secure the provision of, public passenger transport services.
309. *Section 174* requires the Mayor to ensure that the general level and structure of fares to be charged on public transport, and the general level of charges made for other facilities, provided or secured by TfL, are set. The Mayor must also ensure that the general structure of routes to be served by TfL public transport services, and the frequency of those services, are set.
310. *Section 175* provides that TfL and the Franchising Director will be under a duty to co-operate with each other over the co-ordination of services provided or secured by TfL and franchised rail services overseen by the Franchising Director. TfL and the Franchising Director may enter into agreements with one another for that purpose. (The “Franchising Director” is the Director of Passenger Rail Franchising who is appointed by the Secretary of State to be responsible for arranging and managing the provision of passenger rail services in Great Britain.)
311. *Section 177* provides for the retention of the existing powers of London local authorities to procure additional public passenger transport services and facilities from train operating companies, and enables those authorities to enter into agreements with TfL or the Franchising Director for additional public passenger transport services and facilities.
312. *Section 178* requires TfL each year to inform certain local authorities in and around Greater London and the London Transport Users’ Committee, of its plans for services, fares and charges. It also places TfL under a duty to publish the general level and structure of its fares.

### **Chapter V: Regulation of Bus Services in Greater London**

313. Greater London is the only area in Great Britain in which bus services were not deregulated under Part I of the Transport Act 1985. A separate system for regulating road passenger transport in London is contained in Part II (sections 34 to 46) of that Act. This provides for the licensing of local bus services. No licence is required where a bus service is provided by LRT, one of its subsidiaries or someone who has an agreement with LRT by virtue of section 3(2) of the LRT Act 1984. Most local bus services in London are provided by private bus companies under contract to LRT through powers

contained in the LRT Act 1984. A small number of bus services are licensed by the Traffic Commissioner through powers contained in the Transport Act 1985. The Act adapts the regulation of bus services in Greater London.

### ***Sections 179 and 180: Introductory***

314. The bus services that are covered by this Chapter are local services that have stopping places within the Greater London area (including the London section of a service that runs partly outside London). There are exceptions, such as those services that have stopping places more than 15 miles apart and rail replacement services. The Act sets out provisions with which such services will have to comply. Failure to do so is an offence which may result in a fine up to a maximum of level 3 on the standard scale (level 3 is currently set under the Criminal Justice Acts at £1,000).
315. A PSV operator's licence, provisions for which are set out in the Public Passenger Vehicles Act 1981, is normally required by anyone carrying fare-paying passengers in vehicles over a certain size. Community bus permits (section 22 of the Transport Act 1985) are granted by traffic commissioners for certain types of non profit-making services serving particular communities.

### ***Sections 181 to 184: The London bus network***

316. These sections require TfL to determine which bus services are required to make up the "London bus network" and so far as practicable to ensure that that network is provided. Only TfL or a subsidiary or someone who has an agreement with TfL or a subsidiary may provide a service that is a part of the network. Any party who provides a bus service under an agreement with TfL must hold a PSV operator's licence or a community bus permit.
317. Agreements between TfL and another person to provide a bus service that is part of the London bus network will be called "London local service agreements". The London local service agreement must take account of any restrictions placed by a Traffic Commissioner on any part of a service that runs outside London.
318. These sections also provide for consultation of interested parties where TfL proposes to provide (or enter into an agreement for the provision of) a new network service, to vary an existing service or to discontinue a service. TfL is required to consult the police, the local authorities affected, the London Transport Users' Committee and anyone else it thinks fit before proceeding.

### ***Sections 185 to 190: Bus services outside the network***

319. Anyone who wishes to provide a bus service which is not part of the London bus network must obtain a London service permit. The Mayor is placed under a duty to state his policy for the issue of permits by publishing a guidance document (see below). That will contain the criteria against which applications for a permit will be considered. It must be kept under review and revised as necessary.
320. *Section 186* provides for applications for and the grant of London service permits. Separate fees may be charged for processing the application and for granting the permit or a composite fee may be charged for both. TfL must consult the police, the local authorities affected, the London Transport Users' Committee and anyone else it thinks fit, but in deciding whether or not to grant a permit it must have regard to the guidance document and to any other material considerations (such as exceptional local conditions) which are relevant to the application.
321. *Section 187* provides for the terms on which a permit is held. Conditions may be attached to a permit to ensure that suitable routes and stopping places are used and that the safety and convenience of the public (including those persons with mobility problems) is secured. Conditions about fares may not be imposed by a permit. TfL may



at any time alter, remove or attach conditions to a permit. The duration of a permit will normally not be longer than 5 years. The effect of applying section 57 of the Public Passenger Vehicles Act 1981, through [section 193](#), means that a permit is terminated early if a permit holder dies or becomes bankrupt, though TfL is given power to defer such termination if appropriate.

322. If a condition of a permit is contravened the holder may, by virtue of section 187(6), be liable to prosecution and if convicted fined up to the maximum of level 3 on the standard scale (currently set under the Criminal Justice Acts at £1,000). If the breach is considered serious enough by TfL the permit may be revoked or suspended ([section 188](#).)
323. [Section 189](#) provides that where a permit is refused, conditions are attached, altered or removed from a permit, or a permit is suspended or revoked TfL must issue a notice stating its reasons. An aggrieved applicant or permit holder will have a right of appeal to the Mayor who must refer the matter to an independent appeals panel before giving directions to TfL as to how it should act in response to the appeal.

### ***Section 191 and 192: Guidance document***

324. [Sections 191 and 192](#) provide for the preparation and publication of the guidance document. It must first be prepared in draft and the local authorities affected, the police, the Traffic Commissioners affected, the London Transport Users' Committee and anyone else the Mayor thinks fit must be consulted. It must be published not later than 180 days from the date of publication of the Mayor's transport strategy and be made available to the public. Similar provision is made for the preparation and publication of revisions to the document.

## ***Chapter Vi - Railways***

### ***Sections 196 and 197: The Authority and the Franchising Director***

325. Under [section 196](#) the Authority will be able to issue instructions and guidance to the Franchising Director about the management of passenger rail franchises serving London. (Franchised rail services are passenger rail services operated under a franchise agreement between the Franchising Director and a train operating company.) The instructions and guidance can cover services to, from and within Greater London, but the Franchising Director must not follow the guidance where to do so would prevent or seriously hinder him from complying with guidance issued to him by the Secretary of State or have an adverse impact on passenger services outside London or require the Franchising Director to make additional payments to franchise operators from his own budget.
326. [Section 197](#) places the Franchising Director under a duty to consult the Mayor over proposed changes to service levels and fares on London rail services.
327. [Section 198](#) amends LRT's existing exemption under sections 7 and 20 (licence and facility exemptions) of the Railways Act 1993, to bring TfL, its subsidiaries and PPP companies within its scope. The Railways (London Regional Transport) (Exemptions) Order 1994, under that Act, grants an exemption to every LRT company from the requirement to be authorised by licence to be an operator of a network (or connected light maintenance depot or train) on which it is the exclusive operator. It exempts LRT companies from the access provisions of the Railways Act 1993 in respect of such networks, stations and light maintenance depots. And it also exempts all LRT railway passenger services from designation as eligible for franchising and all LRT services, networks, stations and light maintenance depots from the standard closure provisions.
328. [Section 199](#) enables the Secretary of State to grant a new exemption under sections 7 and 20 of the Railways Act 1993. He may make an exemption order, on the request of LRT or TfL, and in respect of a network on which some or all of the regular scheduled

passenger services are operated by LRT or TfL. This allows for the possibility of future integration with the national network under arrangements which might not be covered by the current exemption, which presumes that London Transport and its subsidiaries are the exclusive operators of services using the Underground network.

329. *Section 200* ensures that LRT and TfL will have the power to enter into agreements involving the Rail Regulator to meet any need relating to transport in and around London.
330. *Section 201* restricts TfL's ability to enter into direct agreements with franchised train operators so that the Mayor's instructions and guidance to the Franchising Director will have to include any instructions in respect of additional railway services, and the Franchising Director will then procure the services on behalf of the Mayor.
331. *Section 202* provides that, like local authorities across the country, the GLA and TfL will not be able to run franchised railway services on the national network.

### ***Sections 203 to 204: Closures***

332. *Section 203* places the Franchising Director under a duty to notify the Mayor of any proposal by him to discontinue a passenger rail service affecting Greater London.
333. *Section 204* enables the existing procedure for discontinuance (closures) of Underground services, and for those to be operated on Croydon Tramlink or the Docklands Light Railway, to be carried forward. However, it will be the Mayor who takes decisions on closures, rather than the Secretary of State. For TfL services outside London, those aggrieved by a Mayoral decision will have a right of appeal to the Secretary of State.

### ***Sections 205 to 207: Miscellaneous***

334. *Section 205* amends existing franchise agreements (under which passenger rail services are provided in Great Britain) so that the GLA and TfL are included in the definition of a local authority in such agreements. This puts the GLA and TfL on the same footing as local authorities elsewhere for making arrangements such as concessionary travel schemes.
335. *Section 206* places the Secretary of State under a duty to consult the Mayor if the Secretary of State proposes to vary the amount of penalty fares payable on services on the national railway network.
336. *Section 207* provides that TfL must not, without the consent of the Secretary of State, enter into agreements with outside contractors for specified "reserved services", i.e. station- and train-operating functions, as specified in *subsection (7)*. The Secretary of State may by Order (subject to the negative procedure) make exceptions to the restrictions (*subsection (5)*).

### ***Section 208 : Docklands Light Railway***

337. *Section 208* passes to the Mayor the Secretary of State's power to transfer statutory functions of Docklands Light Railway Ltd (the public sector company responsible for DLR) to another person for the purposes of the construction and maintenance of the DLR Lewisham Extension.

### ***Section 209 : Croydon Tramlink***

338. *Section 209* passes to the Mayor the Secretary of State's power to transfer statutory functions of LRT to another person for the purposes of the construction and operation of Croydon Tramlink. The amendment also transfers to the Mayor the Secretary of State's function in respect of determining disputes about the alteration of street levels,

and makes provision for complaints about Tramlink to be considered by the London Transport Users' Committee.

### ***Chapter VII: Public-Private Partnership Agreements***

339. Chapter VII makes specific provision for the Public-Private Partnership for London Underground.

#### ***Sections 210 to 212: Introductory***

340. *Sections 210 to 212* define a "PPP agreement" and the procedure to be followed for the designation of such an agreement. A PPP agreement must be a contract which involves the provision, construction, renewal or improvement, and maintenance of the London Underground. A PPP company is defined as the party undertaking to carry out or secure the carrying out of this work.

#### ***Sections 213 to 217: Key system assets***

341. *Sections 213 to 217* enable "key system assets" to be designated by agreement between London Underground and a PPP company, thereby giving the assets special protection under the Act. *Section 215* extends the same protection to assets owned by third parties (such as a train leasing company) and used in connection with the Public-Private Partnership. It enables London Underground to enter into agreements directly with such third parties.
342. The effect of these provisions is that, without the consent of LRT (later TfL), designated assets cannot be transferred to another party, nor can any interest in or security over the assets be given to a third party. Designated liabilities cannot be released, discharged or transferred to another party without consent. Any transaction which contravenes these requirements will be void. No execution or other legal process can be commenced or continued, and no distress can be levied, against any property or rights which are key system assets.
343. The purpose of such a regime, which is based on that for "franchise assets" under section 27 of the Railways Act 1993, is to give statutory protection to the assets needed to run the Underground railway so that they will not be lost and will be immediately available to the public sector at the end of a PPP contract, ensuring that train services can continue without interruption.
344. *Section 217* enables TfL to transfer key system assets between TfL, its subsidiaries, PPP companies and PPP related third parties. This provision is necessary to ensure that designated key system assets can be returned to the public sector at the end of a PPP contract. It also enables the Mayor, at the end of a PPP contract, to transfer such assets direct to new PPP companies if he decides to enter into new PPP agreements. A transfer scheme must be made in accordance with the terms of the PPP agreement and it must be approved by the Mayor to take effect. This section also introduces *Schedule 12* which sets out the detailed provisions applying to a PPP transfer scheme.

#### ***Sections 218 and 219: Land***

345. *Section 218* disapplies landlord and tenant law from Public-Private Partnership leases so that London Underground and a PPP company will interpret their rights and duties solely in accordance with the PPP contract and lease. The purpose of the section is to enable the public sector to recover all the real property it needs to continue services when a PPP contract ends, without the delays inherent in established landlord and tenant practice.
346. *Section 219* disapplies the normal requirement to register title with the Land Registry for leases of over 21 years. This is intended to save the considerable time and money which would otherwise be required to produce copies of suitable plans, deeds, etc. The

effort of complying with the registration requirements would be of little or no benefit because of the very restricted opportunities for PPP companies to transfer or otherwise deal with the land.

### **Sections 220 to 224: Insolvency**

347. *Sections 220 to 224* and *Schedules 14 and 15* provide for a special PPP administration order regime. Such an order may be made by the High Court in relation to a PPP company which is on the point of insolvency or winding-up. It may direct a person appointed by the court to take over the running of the PPP company with a view to achieving the purposes of the PPP administration order in a manner which also protects the respective interests of the members and creditors of the PPP company. The purpose of the PPP administration order regime is to ensure that the duty of the administrator principally to protect the interests of members and creditors of a company is balanced against ensuring that activities under the PPP agreement are carried on, thus securing continuity of services for passengers.

### **Sections 225 to 237: The PPP Arbiter**

348. *Sections 225 to 237* provide for the appointment of an arbiter by the Secretary of State, and set out the arbiter's general duties and powers. A PPP agreement may provide for any matter to be referred to the arbiter for direction or guidance under *sections 229 and 230*. It is envisaged that the arbiter's primary role will be to review the price to be paid to a PPP company for its obligations under a PPP agreement, if requested by the parties to do so at a periodic review of the agreement. Such periodic reviews will also enable TfL to carry out a thorough review of its priorities under the agreement.
349. *Section 225* provides for the appointment of the arbiter by the Secretary of State. *Section 226* makes provision concerning the terms of appointment and dismissal of the arbiter, whilst *section 227* deals with the appointment of staff and their ability to discharge functions on behalf of the arbiter. *Section 228* ensures that if, at any time, the posts of Rail Regulator and PPP arbiter are held by the same person, the staff employed by either body will have the legal powers to carry out the functions of both.
350. *Section 229* sets out the arbiter's powers to give directions on matters referred to him by a party to a PPP agreement. *Section 230* gives the arbiter a power to give non-binding guidance to the parties, the aim being to encourage the parties to reach agreement between themselves, in the light of the arbiter's guidance, without relying on a binding determination.
351. *Section 231* sets out the arbiter's duties when making determinations or giving guidance.
352. *Section 232* sets out further powers of the arbiter, including a power to inspect relevant assets. *Section 233* empowers the arbiter to request parties to a PPP agreement and their associates to provide information which the arbiter considers relevant to the discharge of his functions. *Section 234* gives the arbiter the power to apply to the High Court for an order requiring provision of information, if a request is not complied with, and provides a criminal sanction in the event that someone deliberately alters or destroys documents requested by the arbiter. *Section 235* provides statutory protection to third parties against disclosure of information collected by the arbiter, except where it is necessary to carry out the specific statutory functions referred to in the section. It is enforceable by means of a civil injunction.
353. *Section 236* removes the liability of the arbiter and his staff for any acts or omissions, unless they can be shown to have been committed in bad faith.
354. *Section 237* provides for the funding of the arbiter by the Secretary of State and the recovery of costs from the parties concerned.

***Sections 238 and 239: Miscellaneous and supplementary***

355. *Section 238* extends statutory undertaker status to a PPP company when exercising statutory functions relating to a railway and carrying out the subject matter of a PPP agreement. This will effectively give a PPP company similar statutory undertaker status to that enjoyed by London Underground Limited. *Section 239* contains definitions of the terms used in this Chapter.

***Chapter VIII: Travel Concessions***

***Sections 240 to 244: Travel Concessions***

356. These sections enable the London local authorities to agree, annually, travel concessions for their eligible residents for the following financial year. They would fund the scheme by reimbursing TfL, and any other transport operators with which they make agreements, for the cost of providing the concessions. Eligible residents are defined in section 240(5) as pensioners, blind persons and persons who are unable to walk. In the event that a uniform scheme covering services provided by or under agreement with TfL is not agreed, then TfL would be required to implement a “reserve free travel scheme” (covering only those services for which they are responsible) which is specified in detail in *Schedule 16*. TfL would be able to charge the local authorities for the cost of providing the reserve free travel scheme.
357. *Section 244* enables the London local authorities to exercise their power under *section 240* to enter into concessionary travel arrangements with TfL and train operators through a joint committee to which special provisions apply. Decisions of the joint committee would have to be unanimous, unless the authorities unanimously decided that all decisions, or decisions on particular matters, could be taken by a specified majority of the members. The majority so specified could not be less than two thirds of the member authorities.

***Chapter IX: Penalty Fares***

358. *Section 245* introduces *Schedule 17* setting out the provisions relating to the penalty fares regime on TfL bus and train services. Generally, a person is liable to pay a penalty fare where he or she has not obtained a valid ticket before travelling. *Schedule 17* is similar, but not identical, to the London Transport (Penalty Fares) Act 1992. The Mayor will be able to change the level of penalty fare, but only after consultation with the Secretary of State, representatives of local authorities and users and other appropriate persons (*paragraph 5*). The Secretary of State must, at the request of the Mayor, make regulations whereby a person required to pay a penalty fare can appeal to an independent adjudicator (*paragraph 10*).

***Chapter X: London Transport Users' Committee***

359. *Sections 246 to 252* and *Schedules 18 and 19* abolish the London Regional Passengers Committee (“LRPC”) and replace it with the London Transport Users' Committee (“LTUC”). LTUC will combine the role of complaints body for TfL with that of the Rail Users' Consultative Committee for Greater London and the surrounding area.
360. *Section 247* constitutes the LTUC as a body corporate and provides for the appointment of its members. The Assembly, after consultation with the Rail Regulator, will appoint LTUC's chairman and other members, and must have regard to the desirability of ensuring that the membership adequately represents the interests of the users of all transport facilities and services that will be considered by LTUC. Assembly members, members of TfL and employees of the Authority or TfL may not be appointed members of LTUC. The section also introduces *Schedule 18*.

361. *Schedule 18* makes provision for various constitutional and financial matters in relation to LTUC. Paragraph 16 enables complaints of maladministration by LTUC to be investigated by the Commission for Local Administration.
362. *Section 248* requires LTUC to consider and, where the Committee thinks it desirable, make recommendations about matters affecting the passenger transport functions of the Authority or TfL which have been the subject of representations, have been referred to it by TfL or the Authority or which LTUC otherwise thinks it should consider. Representations received by LTUC about land or water passenger transport in London which do not fall within its terms of reference must be referred to whomsoever LTUC considers the most appropriate person to consider the complaint.
363. *Section 249* enables LTUC, with the consent of the Assembly, to enter into voluntary arrangements on agreed terms (including terms for the reimbursement of expenses) with providers of transport facilities and services other than TfL, to consider complaints about their services or facilities.
364. *Section 250* requires LTUC to send copies of its minutes, conclusions and recommendations to the Assembly, the Mayor and TfL. LTUC must make an annual report to the Assembly and the Rail Regulator. The Assembly, the Mayor and TfL must notify LTUC of any decisions reached by them on any of its recommendations.
365. *Section 251* enables the Assembly to give guidance and directions to LTUC, for example on the priorities for the Committee's work. The guidance or directions must be in writing and LTUC must comply with them.
366. *Section 252* amends the Railways Act 1993 to make LTUC a Rail Users' Consultative Committee in place of LRPC. It also introduces *Schedule 19* which makes consequential amendments.

### ***Chapter Xi: Hackney Carriages and Private Hire Vehicles***

367. London has its own system for the licensing of hackney carriages ("taxis"). The legislation (mostly enacted in the last century) which applies in the Metropolitan Police District (MPD) and City of London is entirely separate from the legislation which governs taxis outside the MPD. The Private Hire Vehicles (London) Act 1998 prospectively introduces a system for the licensing in the MPD and the City of London of private hire vehicles ("minicabs") and their drivers and operators. This is similar to that applying elsewhere in England and Wales under Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Act transfers to TfL functions currently with the Secretary of State and the Commissioners of Police of the Metropolis ("the Police Commissioners").
368. The Public Carriage Office, a civilian branch of the Metropolitan Police which currently licenses taxis (and will in due course license minicabs), will transfer, in its entirety, to TfL.

### ***Section 253 and Schedule 20***

369. *Schedule 20*, which is introduced by *section 253*, transfers to TfL, in relation to taxis and taxi drivers, the licensing functions of the Secretary of State and the Police Commissioners.
370. *Paragraph 1* transfers the Police Commissioners' regulatory powers and substitutes TfL for the "registrar of metropolitan public carriages". *Paragraph 2* transfers powers relating to the appointment and regulation of taxi stands. *Paragraph 3* transfers powers concerning the inspection of taxis and makes consequential amendments. *Paragraph 4* transfers powers relating to taxis which are temporarily withdrawn from hire. *Paragraph 5* amends the Metropolitan Public Carriage Act 1869 – the main taxi-licensing legislation – by transferring the Secretary of State's regulatory powers to TfL. *Paragraph 5(2)* provides for TfL to make orders by way

of a “London Cab Order”, thereby replacing the Secretary of State’s powers to make such orders by way of a statutory instrument. *Paragraph 5(3)* transfers the taxi vehicle licensing function and other provisions. In addition to the fee payable on the grant of a licence it also introduces a fee payable on the application for the licence and for the taking or re-taking of any test or examination with respect to any matter of fitness. (In practice, licences (including drivers’ licences issued under section 8 of the 1869 Act – see below) are currently granted by an Assistant Commissioner of Police via the Public Carriage Office.) *Paragraph 5(5)* transfers the taxi drivers’ licensing functions and other existing provisions. As well as introducing a similar application fee to that introduced by paragraph 5(3), it also makes provision for TfL to conduct criminal record checks on potential drivers, thereby bringing the legislation into line with the Private Hire Vehicles (London) Act 1998. *Paragraph 5(6)* enables TfL to make regulations by London cab order and gives the Mayor a power of direction as to the basis on which rates or fares are to be calculated. *Paragraph 6* transfers powers to fix fares for taxis fitted with taximeters and to limit the charge for admitting taxis to railway stations. *Paragraph 7* transfers powers to regulate taxi fares for non-obligatory journeys, to increase the ‘compellable distance’ of six miles and to prohibit certain signs on private hire cars. *Paragraph 8* transfers powers to provide for taxis to carry passengers at separate fares without becoming public service vehicles, and to prescribe certain periods for London taxi and taxi-driver licensing appeals. *Paragraphs 10 to 17* make transitional provisions to ensure, amongst other things, that licences issued by or on behalf of the Police Commissioners or the Secretary of State continue in force as if issued by TfL, and that existing regulations, orders and notices continue to have effect.

### ***Section 254 and Schedule 21***

371. *Section 254* and *Schedule 21* have the effect of transferring the Secretary of State’s minicab-licensing functions to TfL.

### ***Section 255***

372. *Section 255* concerns the effect on taxis and minicabs of the change in the MPD, which is to become aligned with Greater London. *Subsections (2) and (3)* provide that, when London ‘fringe’ district councils’ areas currently within the MPD move outside it, the district councils will have the power to licence taxis in those areas and each district will form a single taxi-licensing area. *Subsection (4)* has the effect of imposing the taxi and minicab licensing functions, under Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the ‘fringe’ district councils.

### ***Chapter Xii: Water Transport***

373. *Section 256* enables Transport for London to provide or secure the provision of such amenities and facilities as it considers would benefit persons using any waterway. Before commencing works in relation to waterway amenities or facilities, Transport for London must comply with any statutory requirement for a licence or consent. Where there is no requirement, consent must be obtained from any person who is under a duty to maintain the waterway to which the works relate.
374. *Section 257* transfers the duty to provide a free ferry service (the Woolwich Ferry) across the Thames from the Secretary of State to Transport for London. Powers in Part XII of the Act will be used to transfer the property, rights and liabilities associated with the ferry from the Secretary of State. It will also allow the replacement of the Secretary of State’s power to make orders on the use of the ferry with byelaws made by Transport for London and allow for the orders and byelaws made by predecessor bodies to be treated as byelaws made by Transport for London.
375. *Section 258* provides that where any landing places are transferred to LRT between 31 March 1999 and the coming into force of the section, rights and liabilities arising from the use of the landing places by vessels will also transfer to LRT.

### **Chapter Xiii: Highways**

376. There is no comprehensive statutory legal definition of a highway (but see the limited definition in section 328 of the Highways Act 1980), because the concept of a highway long pre-dates highways legislation. Under common law, a highway may be broadly defined as a way over which all members of the public have the right to pass and repass. The highway authority is the body responsible for maintaining the highway where it is a highway maintainable at public expense.
377. The London Government Act 1963 largely brought the highway law affecting London into line with that applying elsewhere. This is now consolidated in the Highways Act 1980 (the 1980 Act). One difference was that in Greater London there was a 3-tier hierarchy of highway authorities. The Secretary of State was highway authority for trunk roads, the Greater London Council (GLC) for "metropolitan roads" and the London borough councils for all other roads. "Metropolitan roads" were abolished along with the GLC by the Local Government Act 1985, and some of them became trunk roads and the rest borough roads. One purpose of the Act is to reduce the number of roads designated as trunk roads in London and to create a network of key roads for which the GLA will be highway authority.

### **Sections 259 to 263: GLA Roads**

378. *Section 259* provides that TfL will be the highway authority for GLA roads. *Section 260* inserts a new section 14A into the 1980 Act to provide for the initial GLA roads to be designated by order by the Secretary of State. The new section 14A also provides that a trunk road in Greater London ceases to be a trunk road when it becomes a GLA road under this provision. (A trunk road is a highway for which the Secretary of State, rather than a local authority, is the highway and traffic authority. A trunk road may be an all purpose trunk road, eg the A406 North Circular Road, or a special road (motorway), eg the M4).
379. *Section 261* inserts a new section 14B into the 1980 Act and provides that any road in Greater London except a trunk road can become a GLA road by order of the GLA and that any road can cease to be a GLA road by order of the GLA. Such orders must be made with the consent of the highway authority from whom the road is transferred or to whom the road is transferring, as the case may be. If this consent is not given, then the order is not effective unless confirmed by the Secretary of State.
380. *Section 262* inserts a new section 14C into the 1980 Act and requires TfL to produce an up-to-date record of GLA roads. This record is to be distributed to the GLA and London Borough Councils and made available for public inspection. A certificate by TfL that a highway or proposed highway is a GLA road is evidence of the facts stated in it.
381. *Section 263* inserts a new section 14D into the 1980 Act so that orders making or changing designations of the initial GLA roads are to be made by the Secretary of State by statutory instrument, subject to negative resolution procedure. The power of the Mayor to make orders under sections 14B and 266B is not exercisable by statutory instrument.

### **Sections 264 and 265: Transfers of property and liabilities upon a road becoming or ceasing to be a GLA Road**

382. *Section 264* inserts a new section 266A into the 1980 Act to provide for the transfer of property and liabilities when a road becomes or ceases to be a GLA road by order under section 14B of the 1980 Act. This is based on provisions in section 265 of, and Schedule 21 to, the 1980 Act which are used when a road becomes or ceases to be a trunk road.
383. *Section 265* inserts a new section 266B into the 1980 Act to provide for the transfer of employees when a road becomes or ceases to be a GLA road by order under section 14B



*These notes refer to the Greater London Authority Act 1999  
(c.29) which received Royal Assent on 11th November 1999*

of the Highways Act 1980. This will ensure that if staff are transferred when a road transfers, they have continuity of service. As with the inserted section 14B of the 1980 Act, the power to make orders under section 266B is not exercisable by statutory instrument.

### ***Section 266: London borough councils***

384. *Section 266* inserts a new section 301A into the 1980 Act so that a borough council carrying out highway work which affects a GLA road or a road in another London borough must notify TfL, and where the road is in another borough, the council of that borough as well. TfL is given a power to direct the borough not to undertake the work so long as TfL or another borough objects. Where TfL or another borough objects, the GLA can give consent to the work after consideration of the objection.

### ***Sections 267 to 270: Miscellaneous and supplementary***

385. *Section 267* provides for consultation between the Royal Parks Agency and the local highway authority, if either of them proposes to carry out functions likely to affect a road for which the other is responsible. Where consultation would not be reasonably practicable, they may go ahead and then inform the other party afterwards.
386. *Section 268* provides for TfL and boroughs to construct road humps which do not conform to current Government regulations without the need for specific authorisation by the Secretary of State. Where a borough proposes to construct non-standard road humps, it must notify the Secretary of State and take his comments into account before proceeding.
387. *Section 269* provides for TfL and boroughs to construct traffic-calming schemes which do not conform to current Government regulations without the need for specific authorisation by the Secretary of State. Where a borough proposes to construct non-standard traffic calming schemes, it must notify the Secretary of State and take his comments into account before proceeding.
388. *Section 270* introduces *Schedule 22* which provides for stopping up and diversion orders to be made by London boroughs rather than the Secretary of State. The main provisions amend Part X of the Town and Country Planning Act 1990 and provide that a borough (including one acting on behalf of another) can make stopping up or diversion orders with regard to:
- highways affected by development for which planning permission has been granted or by a government department (section 247);
  - highways crossing or entering the route of a proposed highway (section 248); or
  - the extinguishment of the right to use vehicles on a highway (section 249).
389. The decision on whether to dispense with a public inquiry in cases of opposed orders will be made by the Mayor. The Mayor must consent to the making of an opposed order where an inquiry has been held.

### ***Chapter Xiv: Road Traffic***

390. The general law on road traffic regulation, consolidated in the Road Traffic Regulation Act 1984 ("RTRA 1984"), is varied considerably in its application to London. The Local Government Act 1985 (which abolished the Greater London Council and the metropolitan county councils) transferred most of the traffic authority functions of the GLC (many of which extended to all roads in Greater London except trunk roads) to the London borough councils.
391. Part II of the Road Traffic Act 1991 made further provision about traffic in London, by creating a network of priority ("red") routes and a new statutory office of Traffic

Director for London to carry out the red route programme. The Act also provided for a separate system of enforcing parking restrictions in London without the sanction of the criminal law.

392. Traffic regulation law, unlike highways law, is entirely a creature of statute. It enables traffic authorities - in this case TfL – to regulate the way in which the public use highways and other roads to which the public has access. It is principally concerned with the regulation of vehicles, whether moving or stationary, but also extends to all other types of traffic.

### ***Sections 271 to 274: Transport for London as a traffic authority***

393. *Section 271* makes TfL the traffic authority for GLA roads. For roads in Greater London that are not GLA roads or trunk roads, the traffic authority is the relevant London borough or the Common Council.
394. *Section 272* creates a new class of road called “GLA side roads”, for which TfL will also be the traffic authority, but not the highway authority. It inserts a new section 124A into the RTRA 1984 (RTRA 1984) to provide for the Secretary of State to designate roads which are to be GLA side roads (in the same way that section 227 provides for him to designate the first GLA road network). Sections 14B and 14C of the Highways Act 1980 (inserted by sections 258 and 259 of this Act) which enable the Mayor to change and keep records of the GLA road network, can be applied to GLA side roads by order of the Secretary of State.
395. *Section 273* provides for TfL to place traffic signs on nearby roads (for which the relevant London borough council is the traffic authority) in connection with a GLA road. The signs may be placed on any structure on that road, whether or not the structure belongs to TfL. TfL may carry this out in connection with traffic regulation and experimental traffic orders and in other circumstances (e.g. temporary traffic orders under section 14 of the RTRA 1984), provided they consult the London Borough Council which is the traffic authority for the road. (Experimental traffic orders are used where the effects of the order cannot be confidently predicted. They also provide for the fine-tuning of the measures without the need to amend the order and for its effect to be monitored before decisions are taken on whether or not to make it permanent.) *Section 274* extends to TfL the powers of a London borough council to affix traffic signs to walls.
396. These sections also provide that responsibility for maintaining, altering or removing traffic signs rests with the traffic authority responsible for the order which enabled the placing of those signs. They further provide that where the sign is on or near a GLA road, or is erected as described above, TfL will be the traffic authority for that sign.
397. Where TfL exercises its powers in relation to traffic signs otherwise than in connection with a traffic regulation order or an experimental traffic order, it can remove or reposition those signs whether or not they were placed by TfL. Where TfL removes or repositions a sign placed by another authority, that sign will vest in TfL. The traffic authority for the road where the sign has been placed or repositioned by TfL cannot alter or remove the sign except with the consent of TfL or by direction of the Secretary of State.

### ***Sections 275 to 278: Traffic control systems in Greater London***

398. *Sections 275 to 278* transfer the Secretary of State’s statutory functions for traffic control systems in Greater London to TfL for all roads other than trunk roads. (Traffic control systems can be defined as electronic systems which provide regulation, instruction, information or guidance to road users and to authorities from installations on or adjacent to the highway. They include traffic signals and signalled pedestrian crossings together with their associated control and monitoring computer systems, vehicle and pedestrian detectors, variable message signs, closed circuit television

cameras, speed cameras and emergency telephones). The sections provide for existing traffic signals, and their maintenance and operation, to be devolved to London borough councils. Such councils can also set up and operate new traffic signals, with TfL's consent.

399. The sections also provide for the transfer to TfL, from the Secretary of State (and vice versa) of traffic control systems in Greater London. Where the Secretary of State decides that he wants to pass to TfL the traffic control systems for a trunk road or roads in Greater London, he can transfer (i) all the systems relating to that road, and (ii) the maintenance and operation of those systems. The Act also provides for the transfer from TfL to the Secretary of State of the entire traffic control system for all the roads in Greater London and for this to be reversed with the agreement of the Secretary of State and TfL. On all roads in Greater London other than trunk roads, wherever a traffic sign is a light signal, TfL is to be deemed to be the traffic authority for those roads in the application of sections 65, 73, 74, 74A and 75 of the RTRA 1984 to such traffic signs.

### ***Sections 279 and 280: Road safety and traffic reduction***

400. *Section 279* amends section 39 of the Road Traffic Act 1988 (powers of Secretary of State and local authorities to give road safety information and training) so as -
- (a) to confer on TfL a discretionary power to prepare and carry out a programme of road safety measures; and to contribute to the cost of measures taken by other bodies; and
  - (b) to impose a duty on TfL to carry out studies into accidents on GLA roads involving vehicles and, in the light of those studies, to take measures to prevent such accidents.
401. *Section 280* amends the Road Traffic Reduction Act 1997 (not yet in force), which places a duty on boroughs to assess road traffic levels, to set targets for reducing traffic levels or the growth of these levels, and to report to the Secretary of State. Reports prepared by a London borough, under the provisions of the 1997 Act must take account of the Mayor's transport strategy and the borough's local implementation plan. The Mayor may give directions or issue guidance to London councils on matters on which the Secretary of State may issue guidance (provided that the guidance or directions do not conflict with the Secretary of State's guidance). The councils must comply with the Mayor's directions and have regard to his guidance. When a London borough sends a report to the Secretary of State under the 1997 Act, it must send a copy of the report to the Mayor.

### ***Sections 281 to 287: Parking***

402. *Sections 281 to 287* amend the RTRA 1984 and the Road Traffic Act 1991 in relation to parking.
403. *Section 281* enables TfL and London borough councils (with the consent of TfL) to designate paying parking places on GLA roads. The ability of borough councils to designate parking places on their own roads is unaffected.
404. *Section 282* amends section 55 of the RTRA 1984 so as to require TfL to operate a parking account of its income and expenditure in respect of parking places on the highway and to enable the Mayor to specify in his transport strategy purposes for which surpluses can be spent and enables London authorities to make contributions to each other and to form a joint committee for that purpose.
405. *Section 283* amends section 73 of the Road Traffic Act 1991 so as to require TfL to join with the London borough councils in the appointment of a joint committee to appoint parking adjudicators. *Section 284* substitutes for section 74 of the 1991 Act new sections 74 and 74A with regard to the fixing of additional parking charges, that is to say penalty charges, charges for removal, storage and disposal of vehicles, and charges

for removing wheel clamps. TfL or the London borough councils must set the levels of additional parking charges on those roads for which they are the traffic authority. The charges may vary between different areas. The Secretary of State will have the final say on the levels of additional parking charges proposed by TfL or the London borough councils.

406. TfL and the London borough councils must publish their parking charges in a form determined by the Mayor. In setting these levels the London borough councils must act through the joint committee constituted under section 73. No TfL member of that committee may take part in any proceedings relating to functions under section 74 or 74A of the 1991 Act.
407. *Section 285* provides that applications to the Secretary of State for an order designating a special parking area ("SPA") can only be made by TfL to the extent that the area is to consist of GLA roads or trunk roads, and by a borough council to the extent that the area is to consist of other roads. (In SPAs offences involving the contravention of waiting restrictions indicated by yellow lines, and some other parking offences, become "decriminalised" and replaced by a system of penalty charges similar to that used for designated parking places. To date, SPAs have been designated in all London boroughs, with limited exclusions.)
408. *Section 286* adds a new section 76A to the Road Traffic Act 1991 to provide that the Mayor can change the boundaries of SPAs within Greater London, with the consent of the traffic authority for any road affected and where the effect is to bring all or any part of a Royal Park within a special parking area with the consent of the Secretary of State. The Mayor cannot bring within a SPA any area designated in an order of the Secretary of State on grounds of national security. The Mayor will accordingly be able to decriminalise parking on almost all GLA roads without having to ask the Secretary of State to make an order under section 76 of the 1991 Act. *Section 287* amends section 82 of the 1991 Act (interpretation).

### ***Sections 288 to 290: School crossing patrols and parking attendants***

409. Outside the Metropolitan Police District (MPD), school crossing patrols are the statutory responsibility of local authorities. In the MPD that responsibility rests with the Commissioner of Police of the Metropolis. *Section 288* transfers this from the Commissioner to the London borough councils.
410. *Section 289* transfers from the Secretary of State to the GLA the power to prescribe what uniforms parking attendants will wear when exercising prescribed functions, and widens the definition of local authorities for this purpose to include the GLA.
411. *Section 290* adds a new subsection to section 95 of the RTRA 1984 so as to enable a police authority and TfL to make arrangements for traffic wardens to act as parking attendants on GLA roads.

### ***Sections 291 to 294: Miscellaneous and supplementary provisions***

412. *Section 291* inserts a new section 121B into the RTRA 1984 so that a borough council exercising road traffic powers which affect a GLA road or a road in another London borough must notify TfL and where the road is in another borough the council of that borough as well. TfL is given a power to direct a borough not to proceed with the proposal so long as TfL or another borough objects. Where TfL or another borough objects, the GLA can give consent to the proposal after consideration of the objection.
413. *Section 293* provides for consultation between the Secretary of State and the local traffic authority and Transport for London, if one proposes to carry out functions likely to affect a road for which the other is responsible. Where consultation would not be reasonably practicable, they may go ahead and then inform the other party afterwards.
414. *Section 294* repeals various enactments relating to traffic in London.

## **Chapter Xv - New Charges and Levies**

### **Section 295: Road user charging**

415. *Section 295* enables Transport for London, any London borough council or the Common Council to introduce a road user charging scheme. *Schedule 23*, introduced by section 295(2), sets out in detail how schemes will be implemented and operated.
416. *Paragraphs 2, 3, 5, 8 to 10 and 35 to 38* of Schedule 23 contain provisions for implementing road user charging schemes. TfL will be able to introduce a scheme across all or some parts of Greater London. Any London borough council will be able to bring forward a scheme in its area, subject to the agreement of the Mayor. Decisions about charge levels, the area where charges will apply and the duration of a scheme will rest with charging authorities. In all cases, schemes must support the Mayor's transport strategy. The same road may not be subject to charges imposed by more than one charging authority. Crown roads can be included within any road user charging scheme.
417. *Paragraph 11* deals with exemptions from road user charges. It enables the Secretary of State by regulations to specify exemptions from charges or other concessionary arrangements. Charging authorities will be able to make additional exemptions or concessions to those prescribed by the Secretary of State.
418. *Paragraphs 4, 6, 7, 33 and 34* cover the powers that the Mayor will have over any charging scheme introduced in Greater London by TfL or one or more boroughs. Any charging scheme will be implemented by Order. This will be approved by the Mayor. He or she will be able to modify or revoke the Order. One or more boroughs will be able to work together to develop a joint scheme, again subject to the Mayor's agreement. The Mayor will be able to require one or more boroughs to implement a road user charging scheme. The Mayor will also be able to issue guidance to boroughs on the form which their schemes should take, and may specify certain aspects of schemes which will require prior approval.
419. *Paragraphs 12, 13, 25 to 28, 30 and 31* cover the enforcement of road user charges. Regulations will be able to provide that non-payment of a charge will be a civil issue rather than a criminal offence, and outstanding charges will be recoverable as a civil debt. But deliberate attempts to avoid payment, such as tampering with any in-vehicle or roadside equipment, are more serious matters and are therefore subject to criminal rather than civil law. Regulations will provide for the enforcement of road user charging schemes. This includes arrangements for appeals and adjudication, liability for charges, the examination of motor vehicles and questions of evidence. Charges will not apply to vehicles that are not on the road.
420. *Paragraphs 14 and 29* allow charging authorities to install any equipment necessary for the operation of a charging scheme. The Mayor will have the power to type approve any equipment used within the Greater London area. The Secretary of State will be able to prevent the use of any charging equipment where such equipment is incompatible with any national standard, and where this incompatibility is detrimental to those who live outside London.
421. *Paragraphs 15 and 32* allow charging authorities to incur expenditure to set up and operate a road user charging scheme, and to enter into arrangements with the private sector to install and operate schemes. Charging authorities are required to keep separate income and expenditure accounts for their charging schemes. They will also have to keep separate income and expenditure accounts for any revenues which they receive which are derived from charging schemes for which they are not the charging authority. Accounts will have to be published annually. Any deficits in the early years of a scheme will be made up from the charging authority's general fund, and repaid from future surpluses. Surpluses remaining in an account at the end of a financial year will be able to be carried forward to the next year.

422. *Paragraphs 16 to 18* set out the arrangements for the retention and use of the net proceeds from road user charging schemes. The net revenues from schemes introduced within ten years of the inception of the GLA will be ring-fenced during the scheme's initial period for spending on measures that support the Mayor's transport strategy. The initial period will be 10 years from the implementation of the scheme, or any longer period which the Secretary of State may agree for individual schemes. The Secretary of State will be able to make regulations dealing with the application of charging revenues for schemes once the initial period has expired, and for schemes brought forward after the tenth anniversary of the inception of the GLA. The Secretary of State is required to consult the Mayor and to assess the likely revenues from charges and the potential for spending this revenue on value for money transport measures before making regulations.
423. For any road user charging scheme which is changed during the first 10 years of the GLA, the Secretary of State will be able to make regulations to determine whether a scheme is a new scheme or an amended scheme. The revenues from a new scheme will be ring-fenced in their entirety for transport expenditure for at least a further 10 years. The revenues from an amended scheme will only be ring fenced in their entirety until the end of the initial period agreed when the scheme was originally introduced. The Mayor will be able to require a charging authority to pay a proportion of the net proceeds from any road user charging scheme to the Authority, Transport for London, or one or more borough councils.
424. *Paragraphs 19 to 24* set out provisions for the Secretary of State's general approval of the use of the net revenues from road user charging schemes. Approval will be required for a ten year plan of expenditure before a scheme starts operating. Once a scheme is operating, approval will be required at four-yearly intervals for a programme of expenditure covering the next four years. This approval process covers revenues retained by a charging authority, and monies redistributed by the Mayor to bodies which are not the charging authority. The charging revenues are to be spent only on "value for money" transport measures which support integrated transport objectives and the Mayor's transport strategy. The Secretary of State will be able to issue guidance on an appraisal framework for determining value for money.

### ***Section 296: Workplace parking levy***

425. *Section 296* enables Transport for London, any London borough council or the Common Council to levy a charge on workplace parking. *Schedule 24*, introduced by section 296(2), sets out in detail how schemes will be implemented and operated.
426. *Paragraphs 3 to 5* of Schedule 24 set out how the workplace parking levy will work. The provisions allow the levy to cover different types of individuals who are at their place of work or on work-related business. The Secretary of State will be able to make regulations to amend the definition of workplace parking. The levy will take the form of a licence fee. The occupier of a building (the person responsible for paying non-domestic rates) will be responsible for obtaining the workplace parking licence. The licence will state the maximum number of business vehicles which may be parked on the premises at any one time.
427. *Paragraphs 2, 6, 8, 11 to 16 and 36 to 39* contain provisions for implementing workplace parking levy schemes. TfL will be able to introduce a scheme across all or some parts of Greater London. Individual boroughs will be able to bring forward a scheme in their areas, subject to the agreement of the Mayor. Decisions about the magnitude of the levy, the area where the levy will apply and the duration of a licensing scheme will rest with licensing authorities. In all cases, schemes must support the Mayor's transport strategy. Crown properties and the Palace of Westminster will be included within the scope of any levy. It will not be possible for any premises to be subject to more than once licensing scheme at the same time.

428. *Paragraph 17* deals with exemptions from workplace parking charges. It enables the Secretary of State by regulations to specify exemptions from charges (both by premises and vehicle type) or other concessionary arrangements. Licensing authorities will be able to make additional exemptions or concessions to those prescribed by the Secretary of State.
429. *Paragraphs 7, 9, 10, 34 and 35* cover the powers that the Mayor will have over any workplace parking charging scheme introduced in Greater London by TfL or one or more boroughs. Any licensing scheme will be implemented by Order. This will be approved by the Mayor, who will be able to modify or revoke the Order. One or more boroughs will be able to work together to develop a joint scheme, again subject to the Mayor's agreement. The Mayor will be able to require one or more boroughs to implement a workplace parking levy scheme. The Mayor will also be able to issue guidance to boroughs on the form which their schemes should take, and may specify certain aspects of schemes which will require prior approval.
430. *Paragraphs 18 to 20, 31 and 32* cover the enforcement of workplace parking levies. Regulations will be able to provide that breaching the terms of a workplace parking licence or failing to obtain a licence will be a civil issue rather than a criminal offence. Enforcement agents of TfL and the boroughs will have unannounced and immediate rights of entry to premises to ensure that the conditions of a licence are being complied with, and to issue penalty charge notices. It will be a criminal offence to obstruct authorised enforcement agents from carrying out their duties. Regulations will provide for the fair and effective enforcement of workplace parking charging schemes. This includes arrangements for appeals and adjudication and matters of evidence, and liability for charges.
431. *Paragraphs 21 and 33* allow licensing authorities to incur expenditure to set up and operate a workplace parking charging scheme, or to enter into arrangements with the private sector to set up and operate schemes. The licensing authorities will be required to keep separate income and expenditure accounts for their licensing schemes. They will also have to keep separate income and expenditure accounts for any revenues which they receive which are derived from licensing schemes for which they are not the licensing authority. Accounts will have to be published annually. Any deficits in the early years of a scheme will be made up from the licensing authority's general fund, and repaid from future surpluses. Surpluses remaining in an account at the end of a financial year will be able to be carried forward to the next year.
432. *Paragraphs 22 to 24* set out the arrangements for the retention and use of the net proceeds from workplace parking levy schemes. The net revenues from schemes introduced within ten years of the inception of the GLA will be ring-fenced during the scheme's initial period for spending on measures that support the Mayor's transport strategy. The initial period will be 10 years from the implementation of the scheme, or any longer period which the Secretary of State may agree for individual schemes. The Secretary of State will be able to make regulations dealing with the application of revenues for schemes once the initial period has expired, and for schemes brought forward after the tenth anniversary of the inception of the GLA. The Secretary of State is required to consult the Mayor and to assess the likely revenues from levies and the potential for spending this revenue on value for money transport measures before making regulations.
433. For any workplace parking levy scheme which is changed during the first 10 years of the GLA, the Secretary of State will be able to make regulations to determine whether a scheme is a new scheme or an amended scheme. The revenues from a new scheme will be ring-fenced in their entirety for transport expenditure for at least a further 10 years. The revenues from an amended scheme will only be ring fenced in their entirety until the end of the initial period agreed when the scheme was originally introduced. The Mayor will be able to require a licensing scheme to pay a proportion of

the net proceeds from any workplace parking levy scheme to the Authority, Transport for London, or one or more borough councils.

434. *Paragraphs 25 to 30* set out provisions for the Secretary of State's general approval of the use of the net revenues from workplace parking charging schemes. Approval will be required for a ten year plan of expenditure before a scheme starts operating. Once a scheme is operating, approval will be required at four-yearly intervals for a programme of expenditure covering the next four years. This approval process covers revenues retained by a licensing authority, and monies redistributed by the Mayor to bodies which are not the licensing authority. Revenues from workplace parking levies are to be spent only on "value for money" transport measures which support integrated transport objectives and the Mayor's transport strategy. The Secretary of State will be able to issue guidance on an appraisal framework for determining value for money.

### ***Chapter Xvi: Transition from London Regional Transport to Transport for London***

435. The Act provides for the dissolution of LRT, the repeal of the LRT Act 1984 under which it was set up, the transfer of its undertaking to TfL and the conferral on TfL of the necessary powers to enable it to continue to provide the services at present provided by LRT. This need not, however, all happen at once and this Chapter provides for the transition from LRT to TfL and for the period during which TfL and LRT will be operating side by side, with LRT retaining part of its undertaking and the remainder vested in TfL.
436. *Section 297* requires the Secretary of State from time to time to prepare programmes for the transfer to TfL of property, rights and liabilities of LRT. The powers conferred by Part XII (supplementary provisions) will be exercisable for this purpose, so that the actual transfer of property, rights and liabilities will be accomplished under those powers. To the extent that a programme has not been implemented, it may be varied or replaced by another programme.
437. *Section 298* provides for the exercise of functions during the period between the coming into force of section 298 and LRT's ceasing to provide or secure the provision of public passenger transport services. It defines "transitional purpose", as facilitating the securing and carrying into effect of PPP agreements, facilitating the transfer of functions, property, rights or liabilities of LRT and the other predecessor bodies to TfL, facilitating the exercise by TfL of transferred functions and securing the continuation of public passenger transport services without disruption. LRT are required, and are to be taken before the coming into force of the section to have had power, to do anything appropriate for these purposes. The Mayor, LRT and TfL are required to consult and co-operate with each other for these purposes. To that end they are required to provide each other with information and may enter into arrangements with each other for the provision of services and the discharge of one another's functions.
438. Orders under Part XII may provide for legislation (including the Act and the LRT Act 1984) to be adapted during the transitional period so that the two bodies can operate side by side.
439. In accordance with *section 299*, if provision made under the Act enables the Mayor to give LRT directions or determine its fare structure, he must act in a way which he considers will not prejudice the financial or other interests of LRT, whilst having regard to those of TfL. A similar duty is imposed on TfL, in the event of its being given power to enter into concessionary fare arrangements covering LRT's services as well as its own.
440. *Section 300* provides for continuity in respect of repealed functions of LRT, so that anything done by LRT is to be treated as done and able to be continued by TfL and TfL is substituted for LRT in instruments, contracts or legal proceedings.



*These notes refer to the Greater London Authority Act 1999  
(c.29) which received Royal Assent on 11th November 1999*

441. *Section 301* transfers to TfL some functions which LRT inherited from its predecessor, the London Transport Executive. Subsection (2) amends section 144 of the Transport Act 1968 so that LRT's duty to preserve certain historical records and artefacts is transferred to TfL.
442. *Section 302* provides for the Secretary of State to make an order dissolving LRT when he is satisfied that provision has been made for the transfer of all its property, rights and liabilities.