



Greater London Authority Act 1999

1999 CHAPTER 29

PART IV

TRANSPORT

CHAPTER I

TRANSPORT FUNCTIONS OF THE AUTHORITY

The general transport duty

141 General transport duty

- (1) The Mayor shall develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London.
- (2) The powers of the Authority under this Part shall be exercised for the purpose of securing the provision of the transport facilities and services mentioned in subsection (1) above.
- (3) The transport facilities and services mentioned in subsection (1) above include facilities and services for pedestrians and are—
 - (a) those required to meet the needs of persons living or working in, or visiting, Greater London, and
 - (b) those required for the transportation of freight.

Status: This is the original version (as it was originally enacted).

The transport strategy

142 The Mayor’s transport strategy

- (1) The Mayor shall prepare and publish a document to be known as the “transport strategy” containing—
 - (a) his policies under section 141(1) above, and
 - (b) his proposals for discharging the duty under section 141(2) above.
- (2) In addition to containing the proposals and policies required by subsection (1) above, the transport strategy—
 - (a) shall contain the Mayor’s proposals for the provision of transport which is accessible to persons with mobility problems,
 - (b) shall specify a timetable for the implementation of the proposals contained in the transport strategy by virtue of paragraph (a) above, and
 - (c) may contain any other proposals which he considers appropriate.
- (3) Where the Mayor revises the transport strategy he shall publish it as revised.
- (4) In preparing or revising the transport strategy the Mayor shall consult—
 - (a) the Disabled Persons Transport Advisory Committee, and
 - (b) such other persons or bodies which represent the interests of persons with mobility problems as he considers it appropriate to consult;and this subsection is without prejudice to section 42 above.
- (5) In this Act, references to the transport strategy include, except where the context otherwise requires, a reference to the transport strategy as revised.

143 Directions by the Secretary of State

- (1) Where the Secretary of State considers that—
 - (a) the transport strategy (or any part of it) is inconsistent with national policies relating to transport, and
 - (b) the inconsistency is detrimental to any area outside Greater London,he may direct the Mayor to make such revisions of the transport strategy in order to remove the inconsistency as may be specified in the direction.
- (2) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall revise the transport strategy in accordance with the direction.

144 Duties of London borough councils etc

- (1) In exercising any function—
 - (a) a London borough council,
 - (b) the Common Council, and
 - (c) any body or person exercising statutory functions in relation to Greater London or any part of Greater London,is to have regard to the transport strategy.
- (2) The Mayor may issue guidance in writing about the implementation of the transport strategy to any council, body or person falling within subsection (1) above.

- (3) A council, body or person to whom guidance has been issued under subsection (2) above is to have regard to the guidance in exercising any function.
- (4) In exercising any functions in relation to the management of roads or traffic in a Royal Park in Greater London the Secretary of State shall have regard to the transport strategy.
- (5) In this section “Royal Park” means any park to which the Parks Regulation Act 1872 applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926).

Local implementation plans

145 Preparation of the plan

- (1) As soon as reasonably practicable after the Mayor has published the transport strategy under section 142 above, each London borough council shall prepare a plan (a “local implementation plan”) containing its proposals for the implementation of the transport strategy in its area.
- (2) In preparing a local implementation plan under subsection (1) above, each London borough council shall consult—
 - (a) the relevant Commissioner or, if the council considers it appropriate, both Commissioners,
 - (b) Transport for London,
 - (c) such organisations representative of disabled persons as the council considers appropriate,
 - (d) each other London borough council whose area is, in the opinion of the council preparing the local implementation plan, likely to be affected by the plan, and
 - (e) any other body or person required to be consulted under this section by virtue of a direction given to the council by the Mayor under section 153 below.
- (3) Each local implementation plan shall include—
 - (a) a timetable for implementing the different proposals in the plan, and
 - (b) the date by which all the proposals contained in the plan will be implemented.
- (4) For the purposes of this section and sections 146 to 153 below, the Common Council shall be treated as if it were a London borough council.
- (5) In subsection (2)(a) above, the “relevant Commissioner” means—
 - (a) in relation to a local implementation plan prepared by the Common Council, the Commissioner of Police for the City of London, and
 - (b) in relation to a local implementation plan prepared by a council other than the Common Council, the Commissioner of Police of the Metropolis.

146 Approval of plans by the Mayor

- (1) Each London borough council shall submit its local implementation plan to the Mayor for his approval.
- (2) The Mayor may approve any local implementation plan submitted to him under subsection (1) above.

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- (3) The Mayor shall not approve a local implementation plan submitted to him under subsection (1) above unless he considers—
- (a) that the local implementation plan is consistent with the transport strategy,
 - (b) that the proposals contained in the local implementation plan are adequate for the purposes of the implementation of the transport strategy, and
 - (c) that the timetable for implementing those proposals, and the date by which those proposals are to be implemented, are adequate for those purposes.

147 Power of the Mayor to prepare a plan

- (1) Where it appears to the Mayor that a London borough council has failed—
- (a) to prepare a local implementation plan in accordance with the requirements of section 145 above, or
 - (b) to submit a local implementation plan to him for approval under section 146 above,
- the Mayor may issue to the council a direction under section 153 below requiring the council to do so within such period as the Mayor shall specify in the direction.
- (2) Where the Mayor has issued a direction of the kind mentioned in subsection (1) above, but the council has not complied with the direction within a reasonable time, the Mayor may prepare a local implementation plan on behalf of the council.
- (3) Where the Mayor refuses to approve under subsection (2) of section 146 above a local implementation plan, the London borough council which submitted the plan shall prepare a new local implementation plan and submit it to the Mayor under subsection (1) of that section, unless the Mayor notifies the council that he intends to exercise his powers under subsection (4) below.
- (4) Where the Mayor—
- (a) refuses to approve a local implementation plan under section 146 above, and
 - (b) has served on the London borough council who prepared the local implementation plan a notice under subsection (3) above,
- the Mayor may prepare a local implementation plan on behalf of the council.
- (5) Where the Mayor prepares a local implementation plan on behalf of a London borough council, he shall in preparing the plan consult—
- (a) the council on whose behalf he is preparing the plan,
 - (b) the relevant Commissioner or, if the Mayor considers it appropriate, both Commissioners,
 - (c) Transport for London,
 - (d) such organisations representative of disabled persons as the Mayor considers appropriate, and
 - (e) each other London borough council whose area is in the opinion of the Mayor likely to be affected by the plan.
- (6) A local implementation plan prepared by the Mayor under this section shall include the matters required to be contained or included in the plan under section 145(1) and (3) above by a London borough council.

- (7) Where the Mayor prepares a local implementation plan on behalf of a London borough council, he may recover from the council as a civil debt any reasonable expenses incurred by him in preparing the plan.
- (8) In subsection (5)(b) above, the “relevant Commissioner” means—
 - (a) in relation to a local implementation plan prepared on behalf of the Common Council, the Commissioner of Police for the City of London, and
 - (b) in relation to a local implementation plan prepared on behalf of a council other than the Common Council, the Commissioner of Police of the Metropolis.

148 Revision

- (1) A London borough council may at any time prepare such revisions as it considers appropriate to the council’s local implementation plan.
- (2) Where the Mayor revises the transport strategy under section 41(2) above, each London borough council shall as soon as reasonably practicable after the Mayor has published the transport strategy as revised prepare such revisions to the council’s local implementation plan as it considers are necessary in order to implement that strategy in its area.
- (3) Where a London borough council considers that no revisions are required to be prepared under subsection (2) above the council shall notify the Mayor.
- (4) For the purposes of this section, the “local implementation plan”, in relation to any London borough council, means whichever of the following has been most recently approved, or as the case may be, prepared, by the Mayor, namely—
 - (a) a local implementation plan prepared by the council and approved by the Mayor under section 146 above;
 - (b) a local implementation plan, as proposed by the council to be revised, approved by the Mayor under that section; and
 - (c) a local implementation plan or revised local implementation plan prepared by the Mayor on behalf of the council.

149 Procedure for revision

- (1) In preparing any revisions under section 148 above a London borough council shall consult the bodies and persons required to be consulted under subsection (2) of section 145 above, taking the references in paragraph (d) of that subsection and in subsection (5) of that section to the local implementation plan as references to revisions under section 148 above.
- (2) Each local implementation plan as proposed to be revised shall include the matters specified in section 145(1) and (3) above.
- (3) The provisions of section 146 above shall apply to a London borough council’s local implementation plan as proposed to be revised as they apply to the council’s local implementation plan.

150 Power of the Mayor to prepare a revised plan

- (1) Where the Mayor has published the transport strategy as revised but it appears to the Mayor that a London borough council has failed—

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- (a) to prepare such revisions to the council's local implementation plan, or
- (b) to submit to him for approval such a local implementation plan as proposed to be revised,

as the Mayor considers necessary in order to implement in the council's area the transport strategy as revised, the Mayor may issue to the council a direction under section 153 below requiring the council to do so within such period as the Mayor shall specify in the direction.

- (2) Where the Mayor has issued a direction of the kind mentioned in subsection (1) above but the council has not complied with the direction within a reasonable time, the Mayor may prepare a revised local implementation plan on behalf of the council.
- (3) Where the Mayor refuses to approve under subsection (2) of section 146 above a local implementation plan as proposed to be revised, the London borough council which submitted the plan shall prepare new revisions and submit to the Mayor under subsection (1) of that section a new local implementation plan as proposed to be revised, unless the Mayor notifies the council that he intends to exercise his powers under subsection (4) below.
- (4) Where the Mayor—
 - (a) refuses to approve under subsection (2) of section 146 above a local implementation plan as proposed to be revised, and
 - (b) has served on the London borough council who submitted the plan a notice under subsection (3) above,
 the Mayor may prepare a revised local implementation plan on behalf of the council.
- (5) In preparing a revised local implementation plan the Mayor shall consult the bodies and persons required to be consulted under subsection (5) of section 147 above, taking the references in paragraphs (a) and (e) of that subsection and in subsection (8) of that section to a local implementation plan prepared on behalf of a London borough council as references to a revised local implementation plan prepared on behalf of such a council.
- (6) A revised local implementation plan prepared by the Mayor under this section shall include the matters specified in section 145(1) and (3) above.
- (7) Where the Mayor prepares a revised local implementation plan on behalf of a London borough council, he may recover from the council as a civil debt any reasonable expenses incurred by him in preparing the plan.

151 Implementation by a London borough council

- (1) Where the Mayor has approved a local implementation plan, or a local implementation plan as proposed to be revised, submitted to him under section 146(1) above, the London borough council which submitted the plan—
 - (a) shall implement the proposals contained in it in accordance with the timetable included by virtue of section 145(3)(a) above, or, as the case may be, section 149(2) above, and
 - (b) shall implement all the proposals contained in it by the date included by virtue of section 145(3)(b) above, or, as the case may be, section 149(2) above.
- (2) Where the Mayor has prepared a local implementation plan or a revised local implementation plan on behalf of a London borough council under section 147 above,

or, as the case may be, section 150 above, subsection (1) above shall apply in relation to the implementation by the council of the proposals contained in the plan as if the plan were a local implementation plan approved by the Mayor under section 146 above, or, as the case may be, a local implementation plan as proposed to be revised, approved by the Mayor under that section.

152 Implementation by the Mayor

- (1) Where the Mayor considers—
 - (a) that a London borough council has failed, or is likely to fail, satisfactorily to implement any proposal contained in a local implementation plan as required by section 151(1)(a) above, or
 - (b) that such a council has failed, or is likely to fail, to implement all such proposals as required by section 151(1)(b) above,he may, for the purposes of implementing the proposals contained in the local implementation plan, exercise on behalf of the council the powers that the council has in connection with the implementation of those proposals.
- (2) Subsection (1) above applies in relation to a local implementation plan, as proposed to be revised, approved by the Mayor under section 146 above as it applies to a local implementation plan approved by the Mayor under that section.
- (3) Where the Mayor considers that a London borough council has failed to comply with any direction issued by him under section 153 below, he may exercise on behalf of the council such of the powers of the council as are necessary for the purposes of ensuring that the direction is complied with.
- (4) Anything done by the Mayor in the exercise of powers conferred on him by virtue of this section shall be treated for all purposes as if it had been done by the London borough council on whose behalf he exercises the powers.
- (5) Where the Mayor proposes to exercise any of the powers of a London borough council by virtue of this section he may direct the council not to exercise those or any other powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (6) Where the Mayor issues a direction to a London borough council under subsection (5) above, the council shall comply with the direction.
- (7) Any reasonable expenses incurred by the Mayor in the exercise of the powers of a London borough council by virtue of this section shall be recoverable by him from the council as a civil debt.

153 Directions by the Mayor

- (1) The Mayor may issue to any London borough council—
 - (a) general directions as to the manner in which it is to exercise its functions under sections 145 to 151 above, or
 - (b) specific directions as to the manner in which it is to exercise those functions.
- (2) Directions issued by the Mayor under subsection (1) above may include in particular directions—
 - (a) as to the timetable in accordance with which a local implementation plan or revisions to such a plan must be prepared,

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- (b) as to the bodies or persons who must be consulted about a local implementation plan or revisions to such a plan,
 - (c) as to the timetable mentioned in section 145(3)(a), 149(2) or 150(6) above,
 - (d) as to the date mentioned in section 145(3)(b), 149(2) or 150(6) above,
 - (e) as to the action required to be taken to implement the proposals contained in the local implementation plan in accordance with that timetable or by that date, or
 - (f) as to the steps required to be taken to remove the effects of action which is incompatible with such proposals.
- (3) The reference in subsection (2)(e) above to the local implementation plan includes a reference to—
- (a) a local implementation plan, as proposed by a London borough council to be revised, approved by the Mayor under section 146 above; and
 - (b) a local implementation plan or revised local implementation plan prepared by the Mayor on behalf of a London borough council.
- (4) Where the Mayor issues a direction to a London borough council under subsection (1) above, the council shall comply with the direction.

CHAPTER II

TRANSPORT FOR LONDON

Establishment and control

154 Establishment

- (1) There shall be a body corporate to be known as Transport for London.
- (2) Transport for London shall have the functions conferred or imposed on it by this Act, or made exercisable by it under this Act, and any reference in this Act to the functions of Transport for London includes a reference to any functions made exercisable by it under this Act.
- (3) Transport for London shall exercise its functions—
- (a) in accordance with such guidance or directions as may be issued to it by the Mayor under section 155(1) below,
 - (b) for the purpose of facilitating the discharge by the Authority of the duties under section 141(1) and (2) above, and
 - (c) for the purpose of securing or facilitating the implementation of the transport strategy.
- (4) Schedule 10 shall have effect with respect to Transport for London.

155 Directions etc by the Mayor

- (1) The Mayor may issue to Transport for London—
- (a) guidance as to the manner in which it is to exercise its functions,
 - (b) general directions as to the manner in which it is to exercise its functions, or

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- (c) specific directions as to the exercise of its functions.
- (2) Directions issued by the Mayor under subsection (1)(c) above may include a direction not to exercise a power specified in the direction.
- (3) The guidance or directions which may be issued by the Mayor under subsection (1) above may include in particular guidance or directions as to the manner in which Transport for London—
 - (a) is to perform any of its duties, or
 - (b) is to conduct any legal proceedings.
- (4) Any guidance or directions issued under subsection (1) must be issued in writing and notified to such officer of Transport for London as it may from time to time nominate to the Mayor for the purpose.

Functions: general provisions

156 General powers

- (1) Transport for London may form, promote and assist, or join with any other person in forming, promoting and assisting, a company for the purpose of—
 - (a) carrying on any activities which Transport for London has power to carry on, or
 - (b) carrying on such activities together with activities which Transport for London does not have power to carry on.
- (2) Transport for London may enter into and carry out agreements with any person for the carrying on by that person, whether as agent for Transport for London or otherwise, of any activities which Transport for London has power to carry on (and, in particular, with respect to the provision or financing of any public passenger transport services which Transport for London has power to provide).
- (3) Transport for London may also enter into and carry out an agreement with any person for the carrying on by that person (“the contractor”) of any activities which Transport for London does not have power to carry on if the agreement includes provision for one or more of the following, namely—
 - (a) the carrying on by the contractor of such activities as are mentioned in subsection (2) above;
 - (b) the provision by the contractor to Transport for London of services ancillary to the provision of public passenger transport services; and
 - (c) the use by the contractor of land or other property owned by Transport for London, or transferred to the contractor by Transport for London, for the purposes of the agreement.
- (4) Where an agreement has been entered into under subsection (2) or (3) above, the powers conferred on Transport for London by that subsection include power to enter into and carry out other agreements with other persons for the purpose of—
 - (a) fulfilling any condition which must be fulfilled before the agreement can have effect; or
 - (b) satisfying any requirement imposed by or under the agreement.
- (5) Where—

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- (a) a company has been formed in the exercise of the powers conferred by subsection (1) above (whether by Transport for London alone or by Transport for London jointly with some other person); or
- (b) Transport for London has entered into an agreement with any person in exercise of its powers under subsection (2) or (3) above;

Transport for London may enter into arrangements with that company or person for the transfer from Transport for London to that company or person, in such manner and on such terms (including payments by any of the parties to the arrangements to any of the other parties) as may be provided for by the arrangements, of any property, rights or liabilities of Transport for London relevant to the purpose for which the company was formed or (as the case may be) to the performance by that person of his obligations under the agreement.

- (6) Without prejudice to section 173(1) or 176 below, Transport for London shall have power to enter into and carry out agreements with—
 - (a) any of its subsidiaries; or
 - (b) any person with whom it has entered into an agreement by virtue of subsection (2) or (3) above,

providing for Transport for London to give assistance to the other party to the agreement by making available to that party any services, amenities or facilities provided by, or any works or land or other property belonging to, Transport for London, on such terms (including the reciprocal provision by that other party of similar assistance for Transport for London) as may be agreed between them.

- (7) The power of Transport for London under subsection (2) or (3) above to enter into an agreement as there mentioned is exercisable notwithstanding that the agreement involves the delegation of the functions of Transport for London under any enactment relating to any part of its undertaking.
- (8) Schedule 11 to this Act shall have effect for conferring further powers on Transport for London for the purpose of the discharge by Transport for London of any of its functions and with respect to the other matters there mentioned.

157 Restriction on exercise of certain powers except through a company

- (1) The Secretary of State may by order made with the consent of the Treasury provide that Transport for London shall not carry on such activities as are specified in the order except through a company which is limited by shares and registered under the Companies Act 1985 and which is—
 - (a) a subsidiary of Transport for London; or
 - (b) a company which Transport for London formed, or joined with others in forming, by virtue of section 156(1) above and which does not fall within paragraph (a) above.
- (2) The specification of an activity in an order under subsection (1) above shall not—
 - (a) prevent Transport for London from entering into or carrying out under section 156(2) or (3) above an agreement with a person for the carrying on of that activity by that person; or
 - (b) affect the validity of such an agreement.

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- (3) If it appears to the Secretary of State that Transport for London is carrying out, or proposes to carry out, otherwise than in compliance with an order under subsection (1) above any activities specified in such an order—
 - (a) the Secretary of State may give a direction to Transport for London requiring it to comply with the order within such period as may be specified for the purpose in the order; and
 - (b) Transport for London shall be under a duty to comply with such a direction.
- (4) If Transport for London does not comply with a direction under subsection (3) above in the case of an activity to which the direction relates, Transport for London shall be treated in respect of the carrying out of that activity as not being a local authority for the purposes of—
 - (a) section 519 of the Income and Corporation Taxes Act 1988 (exemption of local authorities from income tax and corporation tax); and
 - (b) section 271 of the Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).

158 Power of Mayor to transfer functions

- (1) For the purpose of enabling any person to carry on any activities for which provision is made by an agreement under section 156(2) or (3) above or by a transport subsidiary's agreement, the Mayor may by order provide for any functions of Transport for London under any statutory provision to be exercisable by that person (whether to the exclusion of or concurrently with Transport for London).
- (2) An order under this section may—
 - (a) provide for the functions to cease to be so exercisable when the activities cease to be carried on by that person (whether by reason of the expiry or termination of the agreement or otherwise); and
 - (b) make such supplementary, incidental and consequential provision as the Mayor considers expedient.
- (3) The power of the Mayor to make an order under this section includes a power exercisable by order to revoke, amend or re-enact any such order.
- (4) An order made by the Mayor under this section shall not have effect unless and until it is confirmed by an order made by the Secretary of State.
- (5) This section does not apply to any function of Transport for London under this Act or any other statutory provision specifically amended by any provision of this Act.
- (6) Any reference in this section to Transport for London includes a reference to a subsidiary of Transport for London.

Financial provisions

159 Financial assistance

- (1) Transport for London may give financial assistance to any body or person in respect of expenditure incurred or to be incurred by that body or person in doing anything which in the opinion of Transport for London is conducive to the provision of safe,

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integrated, efficient and economic transport facilities or services to, from or within Greater London.

- (2) Financial assistance may be given under this section by way of grant, loan or other payment.
- (3) The financial assistance that may be given to any London authority under this section includes in particular assistance in respect of any expenditure incurred or to be incurred by the authority in discharging any function of a highway authority or traffic authority.
- (4) In deciding whether to give financial assistance to a London authority under this section, and if so the amount or nature of any such assistance, the matters to which Transport for London may have regard include—
 - (a) any financial assistance or financial authorisation previously given to the authority by any body or person, and
 - (b) the use made by the authority of such assistance or authorisation.
- (5) In subsection (4) above, “financial authorisation” means authorisation allowing the authority to incur financial obligations.
- (6) Financial assistance under this section may be given subject to such conditions as Transport for London considers appropriate, including (in the case of a grant) conditions for repayment in whole or in part in specified circumstances.
- (7) In this section—
 - “highway authority” has the same meaning as in the Highways Act 1980 (see in particular sections 1 to 9 of that Act);
 - “London authority” means any London borough council or the Common Council; and
 - “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see sections 121A and 142(1) of that Act).
- (8) In section 88(2) of the Local Government Finance Act 1988 (list of “defined councils” to which transport grants are payable by the Secretary of State under section 87 of that Act)—
 - (a) at the end of paragraph (aa) there shall be inserted “and”; and
 - (b) paragraphs (c) and (d) (which include in the list of “defined councils” the London borough councils and the Common Council) shall cease to have effect.
- (9) This section is without prejudice to any other power of Transport for London.

160 Guarantees

- (1) Transport for London may guarantee to discharge any financial obligation of—
 - (a) a subsidiary of Transport for London;
 - (b) any person (other than such a subsidiary) with whom Transport for London has entered into an agreement by virtue of section 156(2) or (3) above, where the guarantee is given for the purpose of enabling that person to carry out the agreement; or
 - (c) any person (other than such a subsidiary) with whom such a subsidiary has entered into a transport subsidiary’s agreement, where the guarantee is given for the purpose of enabling that person to carry out the agreement.

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- (2) Transport for London may, for the purposes of discharging any of its functions, guarantee to discharge any financial obligation incurred or to be incurred by any person for the purposes of—
 - (a) an undertaking carried on by him; or
 - (b) where the person is a body corporate, an undertaking carried on by a subsidiary of that body corporate.
- (3) A guarantee under this section may be subject to such conditions as Transport for London considers appropriate.
- (4) Transport for London may enter into arrangements with another person under which that person gives a guarantee which Transport for London has power to give under this section.
- (5) Where Transport for London enters into arrangements by virtue of subsection (4) above, the arrangements may provide for Transport for London to indemnify the person who gives the guarantee.
- (6) This section is without prejudice to any other power of Transport for London.

Reports and information

161 Annual report

- (1) Transport for London shall, as soon as possible after the end of each financial year, make to the Authority a report on the exercise and performance by Transport for London of its functions during the year.
- (2) The report shall deal with—
 - (a) the contribution made by Transport for London towards the implementation of the transport strategy;
 - (b) the activities of any subsidiaries of Transport for London, so far as relevant to the performance of the functions of Transport for London during the year in question;
 - (c) any financial assistance given under section 159 above;
 - (d) any guarantees given under section 160(1) or (2) above;
 - (e) any arrangements entered into under section 160(4) above; and
 - (f) any indemnities given by virtue of section 160(5) above.
- (3) The report made under this section in respect of any financial year shall include such information as the Mayor may from time to time specify in writing with respect to any matter the report is required to deal with by virtue of subsection (1) or (2) above.
- (4) Transport for London shall publish any report made under this section.
- (5) A copy of any report made under this section shall be kept available for the appropriate period by the Mayor for inspection by any person on request free of charge at the principal offices of the Authority at reasonable hours.
- (6) A copy of any report made under this section, or any part of any such report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.

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- (7) In this section “the appropriate period” in the case of a report under this section is the period of six years beginning with the date of publication of the report pursuant to this section.

162 Provision of information

- (1) Transport for London shall make available such information as it thinks fit which—
- (a) relates to public passenger transport services provided to, from and within Greater London, and
 - (b) is required by members of the general public to assist in deciding what use to make of such services.
- (2) The information shall be made available, in such manner as Transport for London thinks fit, to—
- (a) the general public, and
 - (b) such other persons as Transport for London thinks fit.
- (3) Transport for London may make such charges as it thinks fit for information which it makes available; but no such charge may be made if the information relates to public passenger transport services provided exclusively—
- (a) by Transport for London or any of its subsidiaries, or
 - (b) by other persons under any transport subsidiary’s agreement or under agreements entered into under section 156(2) or (3) above.

Property and subsidiaries

163 Restrictions on disposal of land

- (1) Neither Transport for London nor the Authority shall by virtue of any provision of this Act—
- (a) dispose of the freehold interest in any land which is or has been operational land, or
 - (b) grant a leasehold interest in such land for a term of more than fifty years, without the consent of the Secretary of State.
- (2) Where an estate or interest in, or right over, any land which is or has been operational land is vested in a company which is a subsidiary of Transport for London, Transport for London shall not, without the consent of the Secretary of State, enter into any transaction or series of transactions the result of which would be that the company would cease to be a subsidiary of Transport for London.
- (3) Consent is not required under this section by reason of any land having been operational land if a period of at least five years has elapsed since the land was last operational land.
- (4) The Secretary of State may by order amend subsection (3) above by substituting a different period for that for the time being there specified.
- (5) Any consent of the Secretary of State under this section—
- (a) may be given in relation to any particular transaction or description of transactions; and

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- (b) may be given subject to conditions.
- (6) Consent given under this section shall be given in an order made by the Secretary of State.
- (7) Any question whether land is operational land within the meaning of this section shall be determined by the Secretary of State.
- (8) In this section—
 - “operational land” means—
 - (a) land which is used for the purpose of carrying on any railway or tramway undertaking of Transport for London’s or of a subsidiary of Transport for London’s; and
 - (b) land in which an interest is held for that purpose;but paragraphs (a) and (b) above do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of a railway or tramway undertaking;
 - “railway” and “tramway” shall be construed in accordance with section 67 of the Transport and Works Act 1992.
- (9) For the purposes of this section, land—
 - (a) which has at any time been used, or
 - (b) in which an interest has at any time been held,for the purpose of carrying on a railway or tramway undertaking of London Regional Transport’s, or of a subsidiary of London Regional Transport’s, shall be treated as if that undertaking had at that time been an undertaking of Transport for London’s or of a subsidiary of Transport for London’s (and any question whether the land was, or had ceased to be, operational land at any time shall be determined accordingly).

164 Control of subsidiaries

The powers of the Authority and the powers of Transport for London shall be exercised so as to ensure that a subsidiary of Transport for London—

- (a) does not do anything which Transport for London has no power to do (including anything which Transport for London has no power to do because the consent of the Secretary of State has not been obtained),
- (b) does not do anything which the Mayor has directed Transport for London not to do, and
- (c) does not, except with the consent of the Mayor, raise money by the issue of shares or stock to any person other than Transport for London or any other subsidiary of Transport for London.

165 Distribution of property, rights and liabilities

- (1) Transport for London may make schemes for the transfer of property, rights and liabilities—
 - (a) between Transport for London and any subsidiary of Transport for London; or
 - (b) between any subsidiary of Transport for London and any other such subsidiary.

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- (2) A scheme under this section shall not take effect unless and until it has been approved by the Mayor.
- (3) Where a scheme under this section is submitted to the Mayor for his approval, he may, after consultation with Transport for London, modify the scheme before approving it.
- (4) Schedule 12 to this Act (which makes further provision in relation to schemes under this section) shall have effect.

Functions relating to legislation

166 Procedure for making byelaws

- (1) Section 236 of the Local Government Act 1972 (procedure for byelaws) shall be amended as follows.
- (2) In subsection (1) after the words “the Greater London Authority” (which are inserted by section 76(2) above) there shall be inserted “, Transport for London”.
- (3) After subsection (10B) (which is inserted by section 76(3) above) there shall be inserted—
 - “(10C) Transport for London shall send a copy of every byelaw made by it, and confirmed, to—
 - (a) the Mayor of London;
 - (b) each London Borough Council; and
 - (c) the Common Council.”

167 Power of Transport for London to promote or oppose Bills in Parliament

- (1) Transport for London—
 - (a) may promote a local Bill in Parliament; and
 - (b) may oppose any local Bill in Parliament.
- (2) Subsection (1)(a) above applies only if the Authority—
 - (a) gives its written consent to the Bill; and
 - (b) confirms that consent in writing as soon as practicable after the expiration of 14 days after the Bill has been deposited in Parliament.
- (3) If the Authority does not confirm the consent as required by subsection (2)(b) above, the Authority shall give notice of that fact to Transport for London, which shall take all necessary steps for the withdrawal of the Bill.
- (4) If the Authority, in giving notice under subsection (3) above, states that it confirms its consent to the Bill if provisions specified in the notice are omitted or are amended as so specified, Transport for London may, instead of withdrawing the Bill pursuant to subsection (3) above, take all necessary steps for the omission or, as the case may be, the amendment of the provisions in question in accordance with the notice.
- (5) Without prejudice to subsections (2) to (4) above, the functions conferred on Transport for London by subsection (1)(a) above are exercisable subject to, and in accordance with, the provisions of Schedule 13 to this Act.

- (6) Subsection (1)(b) above applies only if the Authority gives its written consent to Transport for London to oppose the Bill.
- (7) If—
 - (a) Transport for London deposits a petition against a Bill in Parliament, but
 - (b) the consent required by subsection (6) above has not been given before the end of the period of 30 days following the day on which the petition is deposited,Transport for London shall take all necessary steps for the withdrawal of the petition.
- (8) The functions conferred or imposed on the Authority by this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (9) Before exercising the functions conferred on the Authority by subsection (2)(a) or (b), (4) or (6) above, the Mayor shall consult the Assembly.

168 Orders under the Transport and Works Act 1992

- (1) Section 20 of the Transport and Works Act 1992 (power to apply for, or object to, orders) shall be amended as follows.
- (2) In subsection (2) (powers to be subject to the like conditions as powers to promote or oppose Bills) after “except as provided by subsection (3)” there shall be inserted “or (4)”.
- (3) After subsection (3) there shall be inserted—
 - “(4) In the case of Transport for London—
 - (a) the powers conferred by subsection (1) above shall be exercisable with the written consent of the Mayor of London; and
 - (b) subsection (2) above shall not have effect.”

Interpretation

169 Meaning of “transport subsidiary’s agreement”

- (1) In this Act “transport subsidiary’s agreement” means an agreement with a person (“the contractor”)—
 - (a) which is entered into by, or transferred to, a subsidiary of Transport for London, and
 - (b) which falls within subsection (2) or (3) below.
- (2) An agreement falls within this subsection if it includes provision for the carrying on by the contractor, whether as agent for the subsidiary or otherwise, of any activities which Transport for London has power to carry on; and such an agreement may include provision with respect to the provision or financing of any public passenger transport services.
- (3) An agreement falls within this subsection if it includes provision for the carrying on by the contractor of any activities which Transport for London does not have power to carry on and also provision for one or more of the following, namely—
 - (a) the carrying on by the contractor of such activities as are mentioned in subsection (2) above;

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- (b) the provision by the contractor to the subsidiary of services ancillary to the provision of public passenger transport services; and
- (c) the use by the contractor of land or other property owned by Transport for London or a subsidiary of Transport for London, or transferred to the contractor by Transport for London or a subsidiary of Transport for London, for the purposes of the agreement.

CHAPTER III

LONDON REGIONAL TRANSPORT

170 Powers of disposal

- (1) Section 9 of the London Regional Transport Act 1984 (powers of disposal) shall be amended as follows.
- (2) In subsection (1)(a) (power to dispose of securities of one of their subsidiaries) for “one of their subsidiaries” there shall be substituted “any subsidiary of theirs”.
- (3) At the end of the section there shall be added—
 - “(8) In this section—
 - “disposal” means disposal—
 - (a) by way of sale, exchange or lease,
 - (b) by way of the grant of any option or the creation of any easement, right or privilege, or
 - (c) in any other manner, except by way of appropriation or mortgage,
 - and “dispose of” shall be construed accordingly;
 - “lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage.”

171 Power to give guarantees

- (1) Section 17 of the London Regional Transport Act 1984 (power of London Regional Transport to give financial assistance to subsidiaries and other bodies or persons) shall be amended as follows.
- (2) In subsection (2) after “section 3(2)” there shall be inserted “or (2A)”.
- (3) After subsection (3) there shall be inserted—
 - “(3A) London Regional Transport may enter into arrangements with another person under which that person gives a guarantee which London Regional Transport has power to give under this section.
 - (3B) Where London Regional Transport enters into arrangements by virtue of subsection (3A) above, the arrangements may provide for London Regional Transport to indemnify the person who gives the guarantee.”

172 Supplementary provisions with respect to transfer schemes

- (1) Section 27 of the London Regional Transport Act 1984 (supplementary provisions with respect to transfer schemes) shall be amended as follows.
- (2) In subsection (9) (modifications of Schedule 4 to the Transport Act 1968 in its application by subsection (8)) the word “and” at the end of paragraph (a) shall be omitted and after that paragraph there shall be inserted—
 - “(aa) the reference in paragraph 1(1) to all property, rights and liabilities comprised in a specified part of the transferor’s undertaking shall be read as including a reference to all such property, rights and liabilities subject to such exceptions as may be specified or described, or otherwise provided for, by the transfer scheme in question;
 - (ab) the reference in paragraph 13(1) to requiring the consent or concurrence of any person shall be read as including—
 - (i) a reference to being (and, where applicable, continuing after the transaction) in breach of any condition, requirement or restriction, and
 - (ii) a reference to any relevant right or option operating or becoming exercisable,(and any such relevant right or option shall accordingly have effect as if the transferee were the same person in law as the transferor and no transaction had taken place); and”.
- (3) After subsection (9) there shall be inserted—

“(10) In subsection (9)(ab) above “relevant right or option” means any right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property, or any right to terminate or vary a contract.”

CHAPTER IV

PUBLIC PASSENGER TRANSPORT

173 Provision of public passenger transport

- (1) Transport for London may provide or secure the provision of public passenger transport services to, from or within Greater London.
- (2) Without prejudice to section 176 below, any agreement entered into by Transport for London by virtue of section 156(2) or (3)(a) above may in particular provide for—
 - (a) combined services for the through carriage of passengers or goods to be provided by Transport for London or any of its subsidiaries and any other party to the agreement, the quoting of through rates and the pooling of receipts and expenses in respect of such services;
 - (b) securing efficiency, economy and safety of operation in the provision of any public passenger transport services in pursuance of the agreement;
 - (c) the exercise by Transport for London, in accordance with the agreement, of control over fares in respect of any such services and their routes and frequency of operation and over charges in respect of any other facilities provided in pursuance of the agreement; and

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- (d) the making of payments by Transport for London to any other party to the agreement.

174 Structure of fares and services

- (1) The Mayor shall exercise his powers under section 155(1) above so as ensure that the matters specified in subsection (2) below are determined.
- (2) The matters mentioned in subsection (1) above are—
 - (a) the general level and structure of the fares to be charged for public passenger transport services provided by Transport for London or by any other person in pursuance of any agreement entered into by Transport for London by virtue of section 156(2) or (3)(a) above or in pursuance of a transport subsidiary’s agreement;
 - (b) the general structure of routes of such services and the general level of provision to be made with respect to their frequency of operation; and
 - (c) the general level of charges to be made for other facilities provided as mentioned in paragraph (a) above.

175 Co-operation with the Franchising Director

- (1) It shall be the duty of Transport for London (either acting directly, or acting through a subsidiary) and the Franchising Director to co-operate with one another in the exercise and performance of their respective functions for the purpose—
 - (a) of co-ordinating the passenger transport services for persons travelling to, from and within Greater London—
 - (i) which are provided by Transport for London or any of its subsidiaries, and
 - (ii) which are provided under franchise agreements, or whose provision is secured by the Franchising Director pursuant to section 30, 37 or 38 of the Railways Act 1993; and
 - (b) of securing or facilitating the duty of Transport for London under section 154(3) above;
 and to afford to one another such information as to the services mentioned in paragraph (a) above as may reasonably be required for those purposes.
- (2) For the purposes of the co-operation required under subsection (1) above, Transport for London and the Franchising Director may enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient.
- (3) The references in subsections (1) and (2) above to the functions of the Franchising Director shall be taken as a reference to—
 - (a) his functions under sections 23 to 31 of the Railways Act 1993 (franchising of passenger services), and
 - (b) the duties imposed upon him by sections 37 and 38 of that Act (discontinuance of railway passenger services) to secure the provision of services.
- (4) In this section, “the Franchising Director” means the Director of Passenger Rail Franchising.

176 Co-operation with other persons

- (1) Where a public passenger transport service is provided under—
- (a) an agreement entered into by Transport for London under section 156(2) or (3)(a) above, or
 - (b) a transport subsidiary’s agreement,
- by a person other than a subsidiary of Transport for London, it shall be the duty of that person and the other party to the agreement in question, either acting directly, or acting indirectly through subsidiaries of theirs, to co-operate with one another in the exercise and performance of their respective functions for the purposes specified in subsection (2) below.
- (2) The purposes mentioned in subsection (1) above are—
- (a) the co-ordinating of passenger transport services, and
 - (b) the securing of, or the facilitating of, the proper discharge of the duty of Transport for London under section 154(3) above.
- (3) The duty of co-operation imposed by subsection (1) above requires both parties to an agreement under section 156(2) or (3)(a) above or to a transport subsidiary’s agreement to provide to one another such information as to their services as may reasonably be required for the purposes specified in subsection (2) above.

177 Provision of extra passenger transport services and facilities

- (1) The council of a London borough and the Common Council shall each have power to enter into and carry out agreements with—
- (a) Transport for London,
 - (b) the Franchising Director, or
 - (c) any person who is the holder of a passenger licence, a network licence or a station licence,
- with respect to the provision or retention, and financing, of public passenger transport services and facilities which would not be available apart from any such agreement.
- (2) Transport for London and the Franchising Director shall each have power to enter into and carry out agreements with the council of a London borough or the Common Council with respect to the matters specified in subsection (1) above.
- (3) The terms of an agreement entered into under this section shall be such as may be agreed between the parties to the agreement.
- (4) Expressions used in this section and in Part I of the Railways Act 1993 have the same meaning in this section as in that Part.

178 Information and publicity about plans as to services and fares

- (1) Transport for London shall in each year inform the bodies mentioned in subsection (2) below of its current plans with respect to—
- (a) the general level of transport services and facilities to be provided by Transport for London, any subsidiary of Transport for London or any other person in pursuance of an agreement entered into by virtue of section 156(2) or (3)(a) above or in pursuance of a transport subsidiary’s agreement;
 - (b) the general structure of routes of such services;

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- (c) the general level and structure of fares to be charged for such services; and
 - (d) the general level of charges to be made for such facilities.
- (2) The bodies are—
- (a) the London borough councils;
 - (b) the Common Council;
 - (c) the council of any county or district any part of whose area appears to Transport for London to be affected significantly by any plans falling within subsection (1) above; and
 - (d) the London Transport Users' Committee.
- (3) Transport for London shall cause particulars of the general level and structure of the fares falling within subsection (1)(c) above as they apply for the time being to be published in such manner as it thinks fit.

CHAPTER V

REGULATION OF BUS SERVICES IN GREATER LONDON

Introductory

179 London local services

- (1) In this Part—
- “local service” has the meaning given to it by section 2 of the Transport Act 1985, and
 - “London local service” means a local service with one or more stopping places in Greater London.
- (2) Where a local service is or is to be provided both inside and outside Greater London, any part of the service which is or is to be provided outside Greater London shall be treated as a separate service for the purposes of this Part if there is any stopping place for that part of the service outside Greater London.
- (3) For the purposes of this Part of this Act a service provided in pursuance of an agreement with the Railways Board or the Director of Passenger Rail Franchising, entered into under section 4A of the Transport Act 1962 (temporary interruption of railway service), is not a London local service.

180 Provision of London local services

- (1) No London local service may be provided except in accordance with the provisions of this Chapter.
- (2) If a London local service is provided in contravention of subsection (1) above, the operator of the service shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) It shall be a defence for a person charged with an offence under subsection (2) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

The London bus network

181 The London bus network

- (1) Transport for London shall determine which London local services are required for the purpose of providing safe, integrated, efficient and economic transport services in Greater London.
- (2) The determination made by Transport for London under subsection (1) above shall be kept under review and may be revised at any time.
- (3) The London local services which Transport for London determines are required under this section shall be known collectively as the “London bus network”.
- (4) A London local service which is part of the London bus network may be provided only—
 - (a) by Transport for London or any of its subsidiaries, or
 - (b) by any other person in pursuance of an agreement entered into by Transport for London under section 156(2) above or in pursuance of a transport subsidiary’s agreement.
- (5) Transport for London shall so far as reasonably practicable provide or secure the provision of the London bus network.

182 London local service agreements

- (1) Where a London local service which is part of the London bus network is provided in pursuance of an agreement entered into by Transport for London under section 156(2) above or in pursuance of a transport subsidiary’s agreement, the agreement shall be known as a London local service agreement.
- (2) Where a London local service agreement relates to a local service part of which is to be provided outside Greater London, subsection (3) below applies to any provision contained in the agreement with respect to the carriage of passengers other than those who are both taken up and set down in Greater London.
- (3) A provision of a description specified in subsection (2) above shall be of no effect if or so far as it is inconsistent with any condition attached under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions etc by a traffic commissioner)
—
 - (a) to a PSV operators' licence held by the operator of the service, or
 - (b) to a permit under section 22 of the Transport Act 1985 (a community bus permit).

183 Addition or variation of a network service

- (1) Subsection (2) below applies where—
 - (a) Transport for London or any of its subsidiaries proposes to provide a new London local service or to vary an existing London local service,
 - (b) Transport for London proposes to enter into a London local service agreement for the provision of a new London local service, or
 - (c) Transport for London proposes to agree to a variation in an existing London local service provided pursuant to a London local service agreement,

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and the proposal, if effected, would alter the London bus network.

- (2) Transport for London shall before making a decision about the proposal consult—
- (a) the commissioner or commissioners of police affected,
 - (b) the London authorities affected,
 - (c) the London Transport Users' Committee, and
 - (d) any other person whom Transport for London considers it appropriate to consult,
- about the matters specified in subsection (3) below relating to the proposed new service or the service as proposed to be altered.
- (3) The matters mentioned in subsection (2) above are—
- (a) the route,
 - (b) the terminal points,
 - (c) the points at which passengers may or may not be taken up and set down, and
 - (d) the place at which, or street by the use of which, vehicles used for the service may turn at a terminal point.
- (4) For the purposes of this section, the London authorities affected by a proposal are the London authorities in whose area there is situated—
- (a) any part of the route in question, or
 - (b) any of the places mentioned in subsection (3)(b) to (d) above.
- (5) Where a place or street mentioned in paragraph (d) of subsection (3) above is situated in the area of a local authority other than a London authority, Transport for London is also required under subsection (2) above to consult that local authority about the matter specified in that paragraph.
- (6) For the purposes of this section a commissioner of police is affected by a proposal if he is—
- (a) the Commissioner of Police of the Metropolis, or
 - (b) the Commissioner of Police of the City of London,
- and any part of the route in question, or any of the places mentioned in subsection (3) (b) to (d) above, is situated in the police area for which he is the Commissioner.
- (7) For the purposes of this Chapter a London authority is any London borough council or the Common Council.

184 Discontinuance of a network service

- (1) Subsection (2) below applies where—
- (a) Transport for London or any of its subsidiaries proposes to discontinue a London local service which is part of the London bus network, or
 - (b) Transport for London proposes not to renew a London local service agreement pursuant to which a London local service which is part of the London bus network is provided,
- except where Transport for London proposes that a service replacing the London local service in question and equivalent to it will be provided (whether by Transport for London or any of its subsidiaries, or pursuant to a London local service agreement).
- (2) Transport for London shall before making a decision about the proposal consult—

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- (a) the London authorities affected,
 - (b) the London Transport Users' Committee, and
 - (c) any other person whom Transport for London considers it appropriate to consult.
- (3) For the purposes of this section the London authorities affected by a proposal are the London authorities in whose area there is situated any part of the route of the service in question.

Bus services outside the network

185 London service permits

- (1) A London local service which is not part of the London bus network may be provided only by a person who is authorised to provide the service by a permit granted by Transport for London (“a London service permit”).
- (2) The Mayor shall prepare and adopt a document (“the guidance document”) containing the criteria by which applications for a London service permit will be considered.
- (3) The Mayor shall keep the guidance document under review and may revise it at any time.
- (4) Where the guidance document is revised, the Mayor shall adopt the document as revised.

186 Grant of London service permits

- (1) An application for a London service permit shall be made in such manner and accompanied by such supporting evidence as may be determined by Transport for London.
- (2) Transport for London may charge a fee—
 - (a) for processing the application for a London service permit under subsection (1) above,
 - (b) for granting a London service permit, or
 - (c) for both (a) and (b) above.
- (3) In deciding whether to grant a London service permit Transport for London—
 - (a) shall have regard to the criteria contained in the guidance document,
 - (b) shall have regard to any other material considerations, and
 - (c) shall consult the persons and bodies specified in subsection (4) below.
- (4) The persons and bodies mentioned in subsection (3)(c) above are—
 - (a) the London authorities affected,
 - (b) the commissioner or commissioners of police affected,
 - (c) the London Transport Users' Committee, and
 - (d) any other person whom Transport for London considers it appropriate to consult.
- (5) Where Transport for London grants a London service permit it shall send notice of the grant, including particulars of the services authorised by the permit to be provided,

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to the London Transport Users' Committee, the London authorities affected and the commissioner or commissioners of police affected.

- (6) For the purposes of this section, the London authorities affected are the London authorities in whose area there is situated any part of the route of the London local service to which the application for the London service permit relates.
- (7) For the purposes of this section a commissioner of police is affected if he is—
- (a) the Commissioner of Police of the Metropolis, or
 - (b) the Commissioner of Police of the City of London,
- and any part of the route of the London local service to which the application for the London service permit relates is situated in the police area for which he is the Commissioner.

187 Conditions

- (1) Transport for London may attach to a London service permit granted under section 186 above such conditions as it thinks fit.
- (2) The conditions that may be attached to a London service permit by virtue of subsection (1) above include conditions for securing—
- (a) that suitable routes are used in providing any service authorised to be provided by the permit,
 - (b) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points, or
 - (c) the safety and convenience of the public, including persons who have mobility problems.
- (3) No condition as to fares shall be attached under this section to a London service permit.
- (4) Transport for London may at any time vary a London service permit—
- (a) by altering any condition attached to the permit,
 - (b) by removing any condition attached to the permit, or
 - (c) by attaching to the permit any condition.
- (5) Compliance with any condition attached to a London service permit under this section may be temporarily dispensed with by Transport for London if it is satisfied—
- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached, or, if the condition has been altered, when it was last altered, and
 - (b) that such a dispensation would not adversely affect the safety and convenience of the public, including persons who have mobility problems.
- (6) If a condition attached to a London service permit under this section is contravened, the holder of the permit shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

188 Revocation

- (1) Subject to subsection (2) below, a London service permit may be revoked or suspended by Transport for London on the ground that there has been a contravention of any condition attached to it.
- (2) Transport for London shall not revoke or suspend a London service permit unless, owing to—
 - (a) the frequency of the breach of conditions, or
 - (b) the breach having been committed intentionally, or
 - (c) the danger to the public involved in the breach,Transport for London is satisfied that the permit should be revoked or suspended.
- (3) On revoking or suspending a London service permit Transport for London shall send notice of the revocation or suspension to each commissioner of police and London authority notified of the grant of the licence in accordance with section 186(5) above.
- (4) A London service permit suspended under this section shall during the period of suspension be of no effect.

189 Appeals

- (1) Where Transport for London refuses to grant a London service permit, it must issue a notice stating the reasons for the decision to do so to the person who made the application for the permit.
- (2) A person to whom a notice has been issued under subsection (1) above may appeal to the Mayor against the decision in relation to which the notice was issued.
- (3) Where Transport for London—
 - (a) attaches any condition to a London service permit, or alters or removes any condition so attached; or
 - (b) revokes or suspends a London service permit,it must issue a notice to the holder of the permit stating the reasons for the decision to do so.
- (4) A holder of a London service permit to whom a notice has been issued under subsection (3) above may appeal to the Mayor against the decision in relation to which the notice was issued.
- (5) An appeal under this section against a decision of Transport for London must be made before the end of the period of 28 days beginning with the date of issue of the notice relating to the decision.
- (6) Where an appeal is made to the Mayor under this section he shall refer the matter to a panel of persons appointed by him for the purposes of hearing such an appeal (“an appeal panel”).
- (7) The Mayor may charge a person making an appeal under this section such reasonable fee as the Mayor considers appropriate having regard to any expenses incurred or likely to be incurred by the Mayor in respect of the appeal.
- (8) A person shall be disqualified from being appointed to be, or being, a member of an appeal panel if he is—
 - (a) an Assembly member,

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- (b) a member of staff of the Authority,
 - (c) a member of, or a member of staff of, Transport for London, or
 - (d) a director of a subsidiary of Transport for London or a member of staff of such a subsidiary.
- (9) The Mayor may pay to the members of an appeal panel such fees and expenses as he considers appropriate.
- (10) An appeal panel shall regulate its own procedure but, unless the person making the appeal requests otherwise, any appeal hearing shall be conducted on the basis of documentary evidence only.
- (11) An appeal panel hearing an appeal under this section shall make a report to the Mayor concerning the appeal, including if the panel considers appropriate any recommendation about payment of the costs of the appeal.
- (12) A recommendation under subsection (11) above may include a recommendation that Transport for London pay to the person who made the appeal a sum equivalent to all or part of any fee paid to the Mayor by virtue of subsection (7) above.
- (13) Where the Mayor receives a report under subsection (11) above, he shall issue to Transport for London under section 155(1) above such guidance or directions, if any, as he considers appropriate having regard to the report.

190 Duration

- (1) The duration of a London service permit shall not be longer than five years.
- (2) If, on the date on which a London service permit is due to expire, an application has been made for the grant of a new London service permit in substitution for it and—
- (a) Transport for London has neither granted nor refused to grant the London service permit applied for,
 - (b) Transport for London has refused to grant the London service permit applied for but an appeal against the refusal has been made under section 189 above and not disposed of, or
 - (c) Transport for London has granted the London service permit applied for but an appeal against a decision to attach a condition to the permit has been made under section 189 above and not disposed of,
- subsection (3) below shall apply.
- (3) Where this subsection applies, the existing London service permit shall continue in force—
- (a) in a case falling within subsection (2)(a) above, until Transport for London grants or refuses to grant the London service permit applied for, or
 - (b) in a case falling within subsection (2)(b) or (c) above, until the appeal has been disposed of.
- (4) Where subsection (3)(a) above applies, if Transport for London—
- (a) refuses to grant the London service permit applied for, or
 - (b) grants the London service permit applied for but at the time of the grant attaches any condition to the permit,
- the existing London service permit shall continue in force until any appeal which is made under section 189 above against the decision in question has been disposed of.

- (5) This section is without prejudice to section 188 above.

Guidance document

191 Consultation

- (1) When preparing or revising the guidance document and before finally determining the contents of the document or any revisions, the Mayor shall—
- (a) publish a notice in a newspaper circulating in the entire area of Greater London, stating where a draft of the guidance document (or the revisions, as the case may be) may be inspected, and
 - (b) consult the persons and bodies specified in subsection (2) below.
- (2) The persons and bodies mentioned in subsection (1)(b) above are—
- (a) each London authority,
 - (b) the local authority for any other area which the Mayor considers will be affected by the contents of the guidance document or the revisions, as the case may be,
 - (c) the Commissioner of Police of the Metropolis and the Commissioner of Police of the City of London,
 - (d) the traffic commissioner for the Metropolitan Traffic area,
 - (e) the traffic commissioner for any other traffic area which the Mayor considers will be affected by the contents of the guidance document or the revisions, as the case may be,
 - (f) the London Transport Users' Committee, and
 - (g) any other person whom the Mayor considers it appropriate to consult.
- (3) Where the Mayor is determining the contents of revisions to the guidance document and the revisions will not affect the entire area of Greater London, the obligation imposed under subsection (1)(a) above shall not have effect and instead a notice stating where a draft of the revisions can be inspected shall be published in a newspaper circulating in the area or areas which the Mayor considers will be affected by the revisions.

192 Publication

- (1) The Mayor shall publish the guidance document.
- (2) Where the Mayor revises the guidance document he shall publish it as revised.
- (3) In this Act, references to the guidance document include, except where the context otherwise requires, a reference to the current version of the guidance document.
- (4) The guidance document must be published no later than 180 days after the Mayor has published the transport strategy prepared by him under section 142(1) above.
- (5) The Mayor shall send to the Common Council and to each London borough council a copy of the current version of the guidance document.
- (6) A copy of the current version of the guidance document shall be kept available by the Mayor for inspection by any person on request free of charge—
- (a) at the principal offices of the Authority, and

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(b) at such other places as the Mayor considers appropriate, at reasonable hours.

- (7) A copy of the current version of the guidance document, or any part of it, shall be supplied to any person on request for such reasonable fee as the Mayor may determine.
- (8) Any reference in this section to “the current version” of the guidance document is a reference to the guidance document as last published, whether originally or as revised.

Miscellaneous

193 Validity of agreements and permits

- (1) A London local service agreement shall be of no effect at any time when the party to the agreement who is not Transport for London does not hold—
- (a) a PSV operators' licence, or
 - (b) a permit granted under section 22 of the Transport Act 1985 (a community bus permit).
- (2) A London service permit shall be of no effect at any time when the holder of the permit does not hold a licence of the description specified in subsection (1)(a) above, or a permit of the description specified in subsection (1)(b) above.
- (3) In any case where a local education authority is providing a service falling within section 46(1) of the Public Passenger Vehicles Act 1981 (no requirement for a PSV operators' licence where a school bus is being used to provide a service)—
- (a) subsection (1) above does not apply in relation to any London local service agreement pursuant to which the local education authority is providing the service, and
 - (b) subsection (2) above does not apply in relation to any London service permit by which the local education authority is authorised to provide the service.

194 Application of the Public Passenger Vehicles Act 1981

- (1) The provisions of the Public Passenger Vehicles Act 1981 specified in subsection (2) below apply in relation to the grant of London service permits, or to London service permits granted, under this Part of this Act, as they apply in relation to the grant of PSV operators' licences, or PSV operators' licences granted, under that Act.
- (2) The provisions mentioned in subsection (1) above are—
- (a) section 57 (death, bankruptcy, etc. of licence holder) taking the references to the traffic commissioner by whom the licence was granted as a reference to Transport for London, and
 - (b) section 58(2) (grant of licences to unincorporated body or to persons jointly).
- (3) Section 84 of the Public Passenger Vehicles Act 1981 (which relates to the effects of that Act in relation to general public interests) shall have effect as if the provisions of this Chapter were contained in that Act.

195 Interpretation of Chapter V

In this Chapter—

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“the guidance document” shall be construed in accordance with section 185(2) above,

“London authority” shall be construed in accordance with section 183(7) above,

“London bus network” shall be construed in accordance with section 181 above,

“London local service agreement” shall be construed in accordance with section 182 above,

“London service permit” shall be construed in accordance with section 185 above,

“London Transport Users' Committee” means the committee established under section 247 below,

“PSV operators' licence” means a licence granted under the provisions of Part II of the Public Passenger Vehicles Act 1981,

“stopping place” means, in relation to any service or part of a service, a point at which passengers are (or, in the case of a proposed service, are proposed to be) taken up or set down in the course of that service or part,

“traffic area” means a traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981,

“traffic commissioner for the Metropolitan Traffic area” means the traffic commissioner for the traffic area in which Greater London is for the time being situated by virtue of section 3 of the Public Passenger Vehicles Act 1981.

CHAPTER VI

RAILWAYS

The Authority and the Franchising Director

196 Power of Authority to give instructions or guidance to the Franchising Director

- (1) The Authority may give instructions or guidance to the Franchising Director in relation to the provision of railway services in Greater London.
- (2) It is immaterial for the purpose of giving instructions or guidance under subsection (1) above whether implementation of the instructions or guidance affects railway services outside Greater London.
- (3) The Franchising Director shall exercise his functions in the manner best calculated to implement any instructions or guidance given to him by the Authority.
- (4) Subsection (3) above is subject to subsection (5) below.
- (5) The Franchising Director shall not give effect to any instructions or guidance given by the Authority if or to the extent that, in his opinion, implementing the instructions or guidance will—
 - (a) prevent or seriously hinder him from complying with any instructions, guidance or objectives given to him by the Secretary of State under section 5(1) of the Railways Act 1993;

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- (b) have an adverse effect on the provision of services for the carriage of passengers by railway outside Greater London; or
 - (c) increase the amount of any payments to which paragraph (b) of section 5(1) of the Railways Act 1993 applies which he may be required to make.
- (6) If the Franchising Director decides not to implement any instructions or guidance given by the Authority, whether generally or in a particular case, he shall give the Authority notification of the decision and his reasons for it.
- (7) The matters in respect of which instructions or guidance may be given under this section are those specified in sub-paragraphs (i) and (ii) of section 5(1)(a) of the Railways Act 1993.
- (8) Any functions conferred or imposed on the Authority by this section shall be exercisable by the Mayor acting on behalf of the Authority.
- (9) In this section “the Franchising Director” means the Director of Passenger Rail Franchising.

197 Franchising Director to consult Mayor as to fares, services etc

- (1) The Franchising Director shall from time to time consult the Mayor as to—
- (a) the general level and structure of the fares to be charged for the carriage of passengers by railway on services to which this section applies; and
 - (b) the general level of the provision to be made for such services.
- (2) The services to which this section applies are services to, from or within Greater London—
- (a) which are, or are to be, provided under franchise agreements; or
 - (b) whose provision the Franchising Director is under a duty to secure, by virtue of section 30, 37 or 38 of the Railways Act 1993 (which relate to the failure to secure a subsequent franchise agreement and the proposed discontinuance of services).

Licences, access contracts and franchising

198 Exemptions by order under Part I of the Railways Act 1993

- (1) The Railways (London Regional Transport) (Exemptions) Order 1994 shall have effect with the following amendments.
- (2) In article 2 (interpretation) the word “and” immediately preceding the definition of “LRT company” shall be omitted, and in that definition, after “means” there shall be inserted “(a)” and at the end there shall be added—
- “(b) Transport for London or any subsidiary of theirs; or
 - (c) a PPP company, so far as carrying out qualifying activities”.
- (3) In article 2, after the definition of “LRT company” there shall be added—
- ““PPP agreement” and “PPP company” have the same meaning as in Chapter VII of Part IV of the Greater London Authority Act 1999 (public-private partnership agreements);

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“qualifying activities”, in relation to a PPP company, means light maintenance services, network services or station services carried out by the PPP company in fulfilment of obligations imposed on the company by a PPP agreement.”

- (4) The amendments made by this section are without prejudice to the exercise of any power conferred by any enactment (including a power conferred by any provision of this Act) to amend the said Order of 1994 by an enactment comprised in subordinate legislation, within the meaning of the Interpretation Act 1978.

199 Licence exemptions and facility exemptions

- (1) The Secretary of State may, after consultation with the Rail Regulator and the Franchising Director, by order grant at any time—
- (a) a licence exemption under subsection (1) of section 7 of the Railways Act 1993, notwithstanding anything in subsection (10) of that section, or
 - (b) a facility exemption under section 20 of that Act, notwithstanding anything in subsection (9) of that section,

subject to and in accordance with the following provisions of this section.

- (2) An exemption by virtue of paragraph (a) or (b) of subsection (1) above may only be granted in respect of railway assets or railway facilities comprised in, or used on or in connection with, a network on which some or all of the regular scheduled passenger services are operated by London Regional Transport or Transport for London or a subsidiary of London Regional Transport or Transport for London.
- (3) The power conferred by subsection (1) above is exercisable only if the Secretary of State has received an application for the grant of the exemption from the appropriate London transport authority.

- (4) In this section—

“the appropriate London transport authority” means—

- (a) as respects any time before the transfer date, London Regional Transport; and
- (b) as respects any time on or after that date, Transport for London;

“the transfer date” means the date on which London Underground Limited becomes a subsidiary of Transport for London;

and, subject to that, expressions used in this section and in Part I of the Railways Act 1993 have the same meaning in this section as in that Part.

200 Railway access contracts

- (1) Where it considers that to do so is best calculated to meet any need relating to transport in or around, or to or from, Greater London, Transport for London may enter into an access contract to which section 18 of the Railways Act 1993 applies, notwithstanding—
- (a) that such a contract can only be entered into on terms approved (with or without modification) by the Rail Regulator and pursuant to directions given by the Rail Regulator under that section; and

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- (b) that the terms of the contract may confer on the Rail Regulator powers to determine the manner in which Transport for London is to exercise its functions in relation to the contract.
- (2) The duty imposed on the Mayor by section 174 above accordingly also has effect subject, as respects the power conferred on Transport for London by subsection (1) above, to the powers of the Rail Regulator under section 18 of the Railways Act 1993.
- (3) After section 41 of the London Regional Transport Act 1984 there shall be inserted—

“Railway access contracts

41A Access contracts under the Railways Act 1993

- (1) Where it considers that to do so is best calculated to meet any need relating to transport in or around, or to or from, Greater London, London Regional Transport may enter into an access contract to which section 18 of the Railways Act 1993 applies, notwithstanding—
 - (a) that such a contract can only be entered into on terms approved (with or without modification) by the Rail Regulator and pursuant to directions given by the Rail Regulator under that section; and
 - (b) that the terms of the contract may confer on the Rail Regulator powers to determine the manner in which London Regional Transport is to exercise its functions in relation to the contract.
- (2) The duties imposed on London Regional Transport by sections 2 and 8 of this Act accordingly also have effect subject, as respects the power conferred by subsection (1) above, to the powers of the Rail Regulator under section 18 of the Railways Act 1993.”
- (4) In section 4 of the Railways Act 1993 (general duties of the Secretary of State and the Rail Regulator) in subsection (5) (which imposes additional duties on the Rail Regulator) the word “and” immediately preceding paragraph (c) shall be omitted and at the end of that paragraph there shall be added “; and
 - (d) to have regard to the ability of the Mayor of London, London Regional Transport and Transport for London to carry out the functions conferred or imposed on them by or under any enactment”.

201 Transport for London: contracts requiring passenger licences

- (1) Transport for London may not by virtue of any provision of this Act or any other enactment enter into or carry out any agreement with respect to the provision or retention, or financing, of public passenger transport services if the agreement—
 - (a) is one which involves the holding of a passenger licence; and
 - (b) is not an excepted agreement.
- (2) An agreement “involves the holding of a passenger licence” for the purposes of this section if it involves the doing by any person, whether or not a party to the agreement, of anything which, by virtue of section 6 of the Railways Act 1993 (prohibition on unauthorised operators of railway assets), that person may not do without the authorisation of a passenger licence.
- (3) An agreement is an “excepted agreement” for the purposes of this section if it is—

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- (a) an agreement with respect to the provision or retention, or financing, of regular scheduled railway passenger services operated by a London transport body;
 - (b) an agreement with respect to the provision or retention, or financing, of regular scheduled railway passenger services operated by a person other than a London transport body on track used for the provision of regular scheduled railway passenger services operated by a London transport body (whether or not the track is also used for other purposes);
 - (c) an agreement with the Franchising Director; or
 - (d) an agreement under section 177 above, other than one falling within subsection (4) below.
- (4) An agreement falls within this subsection if, in pursuance of the agreement, Transport for London or a subsidiary of Transport for London is to enter into a further agreement which involves the holding of a passenger licence.
- (5) In this section “London transport body” means—
- (a) London Regional Transport;
 - (b) Transport for London; or
 - (c) a subsidiary of London Regional Transport or Transport for London;
- and, subject to that, expressions used in this section and in Part I of the Railways Act 1993 have the same meaning in this section as in that Part.

202 Authority and Transport for London not to be railway franchisees

- (1) Section 25(1) of the Railways Act 1993 (which prevents public sector operators, as defined in the paragraphs of that subsection, from being franchisees) shall be amended as follows.
- (2) After paragraph (b) there shall be inserted—
- “(bb) the Greater London Authority;
 - (bc) Transport for London;”.
- (3) In paragraph (d) (bodies corporate whose members are appointed by certain other bodies or persons) after “a local authority” there shall be inserted “, the Greater London Authority, Transport for London”.

Closures

203 Franchising Director to give copy documents to Mayor

In section 43(1) of the Railways Act 1993 (which requires the Franchising Director to give a copy of any notice of closure etc to the Rail Regulator) after “Regulator” there shall be inserted “, to the Mayor of London if the whole or any part of the area affected by the closure is in Greater London,”.

204 Procedure for closure of certain railway passenger services

- (1) The Railways Act 1993 shall have effect as if any railway passenger services provided under or by virtue of this Act by Transport for London or a subsidiary of Transport for London (in relation to which section 37 of that Act does not have effect, in consequence of amendments made by section 198 above) were designated by order

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under section 49(3) of that Act as railway passenger services in relation to which Schedule 5 to that Act (alternative closure procedure) is to have effect.

(2) Schedule 5 to the Railways Act 1993 shall be amended as follows.

(3) After paragraph 5 there shall be inserted—

“Qualifying services in and around Greater London

- 5A (1) This paragraph applies to any qualifying services—
- (a) which are provided by Transport for London or a subsidiary of Transport for London; or
 - (b) which do not fall within paragraph (a) above but—
 - (i) are provided wholly within Greater London; and
 - (ii) are services, or services of a class or description, designated in an order made by the Secretary of State as services in relation to which this paragraph is to apply;
 and in the following provisions of this paragraph any such services are referred to as “qualifying London services”.
- (2) In the application of the other paragraphs of this Schedule in relation to qualifying London services, for any reference to the Secretary of State there shall be substituted a reference to the Mayor of London.
- (3) Where the Mayor of London has given consent under paragraph 3(2)(b) above in respect of services provided wholly or partly outside Greater London, any person aggrieved by the decision to give consent may refer that decision to the Secretary of State.
- (4) A referral under sub-paragraph (3) above shall be made by giving notice to the Secretary of State.
- (5) Any notice under sub-paragraph (4) above must be given not later than 4 weeks after the date of the decision referred.
- (6) On a reference under sub-paragraph (3) above, the Secretary of State may—
- (a) confirm the decision to give consent;
 - (b) in the case of a decision to give consent subject to conditions, confirm the decision to give consent but modify the conditions; or
 - (c) substitute his decision for that of the Mayor of London.
- (7) Any person who refers a decision to the Secretary of State under sub-paragraph (3) above shall provide, with his notice under sub-paragraph (4) above, a statement of the reasons why he is aggrieved by the decision.
- (8) On disposing of any reference under sub-paragraph (3) above, the Secretary of State shall give notice of his decision to—
- (a) the Mayor of London;
 - (b) the appropriate consultative committee;
 - (c) the operator concerned; and
 - (d) the person who referred the decision to the Secretary of State under sub-paragraph (3) above (if not falling within paragraphs (a) to (c) above).

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- (9) Before the expiration of the period of six weeks following the making of his decision on a reference under sub-paragraph (3) above, the Secretary of State shall publish notice of his decision—
- (a) in two successive weeks in two local newspapers circulating in the area affected; and
 - (b) in such other manner as appears to him appropriate.”

Miscellaneous

205 Amendment of franchise agreements to take account of the Authority

- (1) Any franchise agreement entered into under Part I of the Railways Act 1993 before the day on which this Act is passed shall have effect on and after that day with the following amendment.
- (2) In paragraph (a) of the definition of “Local Authority” in the agreement, after “in England,” there shall be inserted “the Greater London Authority, Transport for London,”.

206 Secretary of State to consult Mayor before changing amount of penalty fare

- (1) Section 130 of the Railways Act 1993 (penalty fares) shall be amended as follows.
- (2) After subsection (9) there shall be inserted—

“(9A) Before making any regulations which have the effect of varying the amount, or the greatest amount, which a person within, or travelling to or from, Greater London may be charged by way of penalty fare, the Secretary of State must consult the Mayor of London.”

207 Restrictions on contracting out certain services

- (1) For the purposes of this section, the services which are “reserved services” are those whose provision by a person would involve that person in performing or securing the performance, for the purposes of any TfL passenger rail service, of—
 - (a) any station-operating function; or
 - (b) any train-operating function.
- (2) Transport for London shall not, without the consent of the Secretary of State, enter into or carry out any agreement under which an outside contractor is to provide or secure the provision of a reserved service for Transport for London or a subsidiary of Transport for London.
- (3) Where a company which is a subsidiary of Transport for London provides or is to provide, or secures or is to secure the provision of, a reserved service for Transport for London or a subsidiary of Transport for London, Transport for London shall not, without the consent of the Secretary of State, enter into any transaction or series of transactions the result of which would be that the company—
 - (a) would cease to be a subsidiary of Transport for London; but
 - (b) would nevertheless provide or continue to provide, or secure or continue to secure the provision of, the reserved service.

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- (4) Nothing in this section applies in relation to a contract of employment between an individual and Transport for London or a subsidiary of Transport for London.
- (5) The Secretary of State may by order provide exceptions from subsection (2) or (3) above.
- (6) Any consent of the Secretary of State under this section must be in writing and—
- (a) may be given in relation to any particular transaction or description of transactions; and
 - (b) may be given subject to conditions.
- (7) For the purposes of this section—
- “station-operating function” means any of the following functions—
- (a) the sale or collection of tickets at stations;
 - (b) the inspection of tickets, or the imposing of penalty fares, at or in the vicinity of a station, but otherwise than on a train;
 - (c) the making of oral public announcements at stations;
 - (d) the provision of information orally to members of the public at stations, otherwise than by means of public announcements;
 - (e) any duties of staff employed on platforms at stations;
 - (f) any duties of staff employed at a place from which the operation of the whole or part of a station is controlled (whether or not the operation of trains is also controlled from that place);
 - (g) any other function involved in the management or operation of a station;
- “train-operating function” means any of the following functions—
- (a) the driving of passenger trains otherwise than within a depot;
 - (b) any duties of guards on passenger trains;
 - (c) the sale, collection or inspection of tickets, or the imposing of penalty fares, on passenger trains;
 - (d) the operation of signals for controlling the movement of passenger trains otherwise than within a depot;
 - (e) the exercise of control over the movement of passenger trains otherwise than within a depot;
 - (f) any other function involved in the operation of passenger trains otherwise than within a depot.
- (8) In this section—
- “contract of employment” means any contract of service or apprenticeship;
- “outside contractor” means a person other than Transport for London or a subsidiary of Transport for London;
- “passenger train” means a train which is being, has just been, or is about to be, used for the provision of a TfL passenger rail service;
- “premises” includes any land, building or structure;
- “railway” has the meaning given in section 67(1) of the Transport and Works Act 1992;
- “reserved service” shall be construed in accordance with subsection (1) above;
- “station” means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger

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station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

“TfL passenger rail service” means any public service for the carriage of passengers by railway which is under the control of Transport for London or a subsidiary of Transport for London;

“ticket” includes any other authority to travel or to be present in a part of a station where such an authority is required.

- (9) The Secretary of State may by order amend this section for the purpose of varying the meaning in this section of any of the following expressions—
- (a) “train-operating function”;
 - (b) “station-operating function”;
 - (c) “outside contractor”; or
 - (d) “TfL passenger rail service”.

Docklands Light Railway and Croydon Tramlink

208 Docklands Light Railway

- (1) Section 3 of the London Docklands Railway (Lewisham) (No. 2) Act 1993 (transfer of functions relating to the Docklands Light Railway) shall be amended in accordance with subsections (2) to (7) below.
- (2) In subsection (1) (which confers a power on the Secretary of State to make orders transferring functions relating to the Docklands Light Railway) for “Secretary of State” there shall be substituted “Mayor of London”.
- (3) Subsection (3) (which confers a power to specify in a transfer order circumstances in which the order shall cease to have effect) shall cease to have effect.
- (4) After subsection (3) there shall be inserted—
 - “(3A) The power to make a transfer order under subsection (1) above includes a power to revoke, amend or re-enact any transfer order made under that subsection.
 - (3B) Without prejudice to subsection (3A) above, a transfer order may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in any such order.”
- (5) In subsection (4) (which confers a power to include in a transfer order supplementary etc provision) for “Secretary of State” there shall be substituted “Mayor of London.”
- (6) Subsection (6) (which provides that the power to make a transfer order is to be exercisable by statutory instrument) shall cease to have effect.
- (7) After subsection (6) there shall be inserted—
 - “(7) The Mayor of London shall secure that any transfer order made under subsection (1) above (and any order revoking, amending or re-enacting any such order) is printed and published.
 - (8) A fee may be charged for the sale of an order printed and published under subsection (7) above.”

- (8) Any transfer order—
- (a) made by the Secretary of State under section 3(1) of the London Docklands Railway (Lewisham) (No. 2) Act 1993, and
 - (b) in force immediately before the coming into force of subsection (3) above,
- shall have effect as from the coming into force of that subsection as if it were a transfer order made by the Mayor of London.

209 The Croydon Tramlink

- (1) The Croydon Tramlink Act 1994 shall be amended in accordance with subsections (2) to (9) below.
- (2) In section 9(3) (consent to be obtained for the alteration of the level of a street) in paragraph (b) (which provides for disputes over the giving of consent to be determined by the Secretary of State) for “Secretary of State” there shall be substituted “Mayor of London”.
- (3) In section 50 (transfer of functions relating to the Croydon Tramlink) in subsection (1) (which confers a power on the Secretary of State to make orders transferring functions relating to the Croydon Tramlink) for “Secretary of State” there shall be substituted “Mayor of London”.
- (4) Subsection (3) of that section (which confers a power to specify in a transfer order circumstances in which the order shall cease to have effect) shall cease to have effect.
- (5) After subsection (3) of that section there shall be inserted—
 - “(3A) The power to make a transfer order under subsection (1) above includes a power to revoke, amend or re-enact any transfer order made under that subsection.
 - (3B) Without prejudice to subsection (3A) above, a transfer order may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in any such order.”
- (6) In subsection (4) of that section (which confers a power to include in a transfer order supplementary etc provision) for “Secretary of State” there shall be substituted “Mayor of London”.
- (7) In subsection (7) (duty of London Regional Passengers' Committee to consider etc matters referred to them)—
 - (a) in paragraph (b) (references by the Secretary of State) for “by the Secretary of State” there shall be substituted “by Transport for London, by the Greater London Authority (acting by the Mayor of London)”;
 - (b) in the words following paragraph (c) (persons to whom minutes etc are to be sent) for “the Secretary of State,”, where first occurring, there shall be substituted “the Mayor of London, the London Assembly, Transport for London,”; and
 - (c) the words from “and to such person” onwards shall cease to have effect.
- (8) Subsection (9) of that section (which provides that the power to make a transfer order is to be exercisable by statutory instrument) shall cease to have effect.
- (9) After subsection (9) of that section there shall be inserted—

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- “(9A) The Mayor of London shall secure that any transfer order made under subsection (1) above (and any order revoking, amending or re-enacting any such order) is printed and published.
- (9B) A fee may be charged for the sale of an order printed and published under subsection (9A) above.”
- (10) In subsection (11) of that section (interpretation) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.
- (11) Any transfer order—
- (a) made by the Secretary of State under section 50(1) of the Croydon Tramlink Act 1994, and
 - (b) in force immediately before the coming into force of subsection (3) above, shall have effect as from the coming into force of that subsection as if it were a transfer order made by the Mayor of London.

CHAPTER VII

PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

Introductory

210 PPP agreements

- (1) For the purposes of this Chapter a public-private partnership agreement (referred to as a “PPP agreement”) is a contract in the case of which the conditions set out in the following provisions of this section are satisfied.
- (2) At least one of the parties to the contract must be a relevant body for the purposes of this Chapter, that is to say—
- (a) London Regional Transport;
 - (b) Transport for London; or
 - (c) a subsidiary of London Regional Transport or Transport for London.
- (3) The contract must be one which involves—
- (a) the provision, construction, renewal, or improvement, and
 - (b) the maintenance,
- of a railway or proposed railway and, if or to the extent that the contract so provides, of any stations, rolling stock or depots used or to be used in connection with that railway.
- (4) The railway or proposed railway must be one which—
- (a) belongs or will belong to, or to a subsidiary of, London Regional Transport or Transport for London, or
 - (b) is being provided, constructed, renewed or improved under the contract for, or for a subsidiary of, London Regional Transport or Transport for London.
- (5) If a party who undertakes to carry out or secure the carrying out of any or all of the work mentioned in subsection (3) above (a “PPP company”) is a public sector operator at the time when the contract is made, that party must no longer be a public sector

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operator on the day following the expiration of the period of six weeks beginning with the day on which the condition in subsection (6) below is satisfied.

- (6) The contract must be one which is, or is of a description which is, designated as a PPP agreement.

211 Public sector operators

- (1) In this Chapter “public sector operator” means—
- (a) any Minister of the Crown, government department or other emanation of the Crown;
 - (b) any local authority;
 - (c) any metropolitan county passenger transport authority;
 - (d) any body corporate whose members are appointed by a Minister of the Crown, a government department, a local authority or a metropolitan county passenger transport authority or by a body corporate whose members are so appointed;
 - (e) a company—
 - (i) a majority of whose issued shares are held by or on behalf of any of the bodies or persons falling within paragraphs (a) to (d) above;
 - (ii) in which the majority of the voting rights are held by or on behalf of any of those bodies or persons;
 - (iii) a majority of whose board of directors can be appointed or removed by any of those bodies or persons; or
 - (iv) in which the majority of the voting rights are controlled by any of those bodies or persons, pursuant to an agreement with other persons;
 - (f) a subsidiary of a company falling within paragraph (e) above.
- (2) Expressions used in sub-paragraphs (i) to (iv) of subsection (1)(e) above and in section 736 of the Companies Act 1985 have the same meaning in those sub-paragraphs as they have in that section.

212 PPP designations

- (1) Any designation for the purposes of subsection (6) of section 210 above (a “PPP designation”) must be made in a direction issued by the appropriate authority.
- (2) A PPP designation must—
- (a) describe the subject matter of the contracts to which it relates;
 - (b) describe the parties to those contracts; and
 - (c) if made before one or more of those contracts has been entered into, state a time by which a contract must have been entered into if it is to be a PPP agreement by virtue of the designation.
- (3) The time stated pursuant to paragraph (c) of subsection (2) above must not be later than three months after the date of the direction containing the designation.
- (4) A PPP designation may be made before or after the making of any contract to which it relates.
- (5) A contract shall not be a PPP agreement by virtue of a PPP designation made after the making of the contract, except with the consent of the parties to the contract.
- (6) For the purposes of subsection (1) above “the appropriate authority” means—

- (a) as respects any direction issued before the transfer date, the Secretary of State;
and
- (b) as respects any direction issued on or after that date, the Mayor.

Key system assets

213 Key system assets

- (1) In this Chapter, “key system assets” means—
- (a) any property, rights or liabilities which are, or are of a description, designated by a relevant body as key system assets in a PPP agreement as originally made; and
 - (b) any property, rights or liabilities which are designated, or are of a description designated, by a relevant body after the making of a PPP agreement as key system assets in accordance with the terms of, or by an amendment made to, the PPP agreement,
- but does not include any property, rights or liabilities which, in accordance with the terms of, or by an amendment made to, the PPP agreement, have for the time being ceased to be designated as key system assets.
- (2) No rights or liabilities under contracts of employment shall be designated as key system assets.

214 Register of key system assets

- (1) The relevant authority shall keep a register of all key system assets for the time being, except as provided by subsection (3) below.
- (2) The register shall state—
- (a) the date on which any designation of a particular key system asset, or of a description of key system assets, was made; and
 - (b) sufficient details of any particular key system asset, or any description of key system assets, designated as such to enable the key system assets to be identified.
- (3) The register need not contain an entry in respect of any particular key system asset or description of key system assets if the relevant authority, with the consent of the PPP company concerned, keeps the requisite copy documents available for inspection by the public at all reasonable hours free of charge.
- (4) For the purposes of this section the “requisite copy documents”, in the case of any particular key system asset or description of key system assets, are copies of—
- (a) the document which contains the designation under paragraph (a) or (b) of section 213(1) above, and
 - (b) such other documents (if any) as may be necessary to disclose the information which would (apart from subsection (3) above) be required to be stated in the register,
- or of such extracts from those documents as disclose the designation or, as the case may be, the information concerned.
- (5) The register shall be available for inspection by the public free of charge at all reasonable hours.

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- (6) A person inspecting the register, or any requisite copy documents available for inspection under subsection (3) above, may make copies of, or of extracts from, the register or requisite copy documents.

215 Related third party agreements

- (1) Where a PPP agreement is or has been entered into, the powers of the relevant authority include power to enter into and carry out other agreements with other persons in connection with the PPP agreement, whether or not there is any term in the PPP agreement relating to such other agreements.
- (2) Where—
- (a) a PPP agreement is or has been entered into, and
 - (b) the PPP company or the relevant authority, or a subsidiary of the PPP company or relevant authority, enters into arrangements with another person (a “PPP related third party”)—
 - (i) which do not constitute a PPP agreement, but
 - (ii) which involve the provision of property or rights for use for the purposes of or otherwise in connection with the PPP agreement,
 subsection (3) below applies.
- (3) Where this subsection applies, the relevant authority, or a subsidiary of the relevant authority, may enter into an agreement with the PPP related third party for the purpose of enabling the property or rights in question to be designated as, and to be, key system assets as if—
- (a) the agreement between the relevant authority or subsidiary and the PPP related third party were a PPP agreement, and
 - (b) the PPP related third party were the PPP company under that agreement.

216 Protection of key system assets

- (1) If and to the extent that key system assets are property or rights, a PPP company shall not, without the consent of the relevant authority,—
- (a) transfer or agree to transfer, or create or agree to create any security over, any of those key system assets or any interest in, or right over, any of those key system assets; or
 - (b) create or extinguish, or agree to create or extinguish, any interest in, or right over, any of those key system assets.
- (2) If and to the extent that key system assets are liabilities, a PPP company shall not, without the consent of the relevant authority, enter into any agreement under which any such liability is released or discharged or transferred to some other person.
- (3) Any transaction which is entered into in contravention of subsection (1) or (2) above shall be void.
- (4) No execution or other legal process may be commenced or continued, and no distress may be levied, against any property which is, or rights which are, key system assets.
- (5) Where a PPP agreement makes provision for or in connection with the transfer to a successor body at any time—
- (a) of any shares in a PPP company, or

- (b) of any key system assets,
the relevant authority shall ensure that the PPP agreement includes provision specifying, or providing for the determination of, the amounts which are to be paid in respect of those shares or key system assets.
- (6) In subsection (5) above, “successor body” means—
 - (a) a relevant body;
 - (b) a PPP company; or
 - (c) a PPP related third party.
- (7) Any reference in this section to a PPP company or PPP related third party includes a reference to a body or person which has been or is to be such a company or party.
- (8) In this section “security” has the meaning given by section 248(b) of the Insolvency Act 1986.

217 Schemes for the transfer of key system assets

- (1) Transport for London may make schemes for the transfer of key system assets from any body falling within subsection (2) below to any other such body.
- (2) Those bodies are—
 - (a) Transport for London;
 - (b) any subsidiary of Transport for London;
 - (c) any PPP company;
 - (d) any PPP related third party.
- (3) A scheme under this section shall not take effect unless and until it has been approved by the Mayor.
- (4) The transfers which may be made by virtue of a scheme under this section include transfers taking effect before, on or after the expiration of the term of the PPP agreement or PPP related third party agreement by reference to which the transferor or transferee under the scheme falls within subsection (2) above.
- (5) No scheme under this section for the transfer of key system assets from or to—
 - (a) a PPP company, or
 - (b) a PPP related third party,may be made otherwise than in accordance with the terms of the PPP agreement or PPP related third party agreement by reference to which the PPP company or PPP related third party falls within subsection (2) above.
- (6) In this section—
 - (a) any reference to key system assets includes a reference to property, rights or liabilities which have been or are to be such assets; and
 - (b) any reference to a PPP company or PPP related third party includes a reference to a body or person which has been or is to be such a company or party.
- (7) Schedule 12 to this Act (which makes further provision in relation to schemes under this section) shall have effect.

Land

218 PPP leases

- (1) In this Chapter “PPP lease” means any lease—
 - (a) which constitutes a PPP agreement;
 - (b) which is entered into in accordance with a PPP agreement; or
 - (c) which is designated as a PPP lease.
- (2) An instrument containing a PPP lease must also contain, or have endorsed upon it, a certificate—
 - (a) signed by or on behalf of the parties to the lease, and
 - (b) stating that the instrument contains a PPP lease.
- (3) Any designation for the purposes of paragraph (c) of subsection (1) above shall be made by the same person, and in the same manner, as if it were a PPP designation.
- (4) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of an agreement between a relevant body and a PPP company as to the terms on which land which is the subject of a PPP lease is provided.
- (5) Accordingly no such enactment or rule of law applies in relation to the rights and obligations of the parties to a PPP lease—
 - (a) so as to exclude or modify in any respect any of the rights and obligations of those parties under the terms of the PPP lease, whether with respect to the termination of the tenancy or any other matter;
 - (b) so as to confer or impose on any party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the PPP lease, in addition to any such right or obligation provided for by the terms of the PPP lease;
 - (c) so as to restrict the enforcement (whether by action for damages or otherwise) by any party to the PPP lease of any obligation of any other party under the PPP lease.
- (6) In this section “lease” includes an underlease and an agreement for a lease or underlease.

219 Land registration and PPP leases

- (1) The Land Registration Act 1925 shall be amended in accordance with the following provisions of this section.
- (2) In section 3 (interpretation) after paragraph (xviii) there shall be inserted—

“(xviiiia) “PPP lease” has the same meaning as in Chapter VII of Part IV of the Greater London Authority Act 1999 (public-private partnership agreements).”
- (3) In section 8(2) (restriction on registering leasehold land held under a lease containing a prohibition or restriction on dealings inter vivos) at the beginning there shall be inserted “Leasehold land held under a PPP lease shall not be registered under this Act; and, subject to that,”.

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- (4) In section 19 (registration of disposition of freeholds) in paragraph (a) of the proviso to subsection (2) (exception for leases not exceeding twenty-one years) after “twenty-one years” there shall be inserted “or of a PPP lease”.
- (5) In section 22 (registration of dispositions of leaseholds) in paragraph (a) of the proviso to subsection (2) (exception for underleases not exceeding twenty-one years) after “twenty-one years” there shall be inserted “or of an underlease which is a PPP lease”.
- (6) Any interest in land consisting of a PPP lease shall, unless registered or otherwise entered on the register, be an overriding interest for the purposes of the Land Registration Act 1925; but the registrar shall not be required by virtue of section 70(2) or (3) of that Act to enter any note or notice of any such lease, or of any claim to any such lease, in the register.
- (7) Accordingly, in section 70 (overriding interests)—
 - (a) in subsection (1), after paragraph (k) there shall be inserted the following paragraph—

“(kk) PPP leases;”;
 - (b) after subsection (3) there shall be inserted the following subsection—

“(3A) Neither subsection (2) nor subsection (3) of this section shall apply in the case of a PPP lease.”
- (8) In section 123 (compulsory registration: dispositions to which requirement to register applies) in subsection (6) (interpretation) the word “and” immediately preceding paragraph (c) shall be omitted and at the end of that paragraph there shall be added “; and”
 - (d) “term of years absolute” does not include a PPP lease”.

Insolvency

220 Meaning and effect of PPP administration orders

- (1) A “PPP administration order” is an order of the court made in accordance with section 221, 222 or 223 below in relation to a PPP company and directing that, during the period for which the order is in force, the affairs, business and property of the company shall be managed, by a person appointed by the court,—
 - (a) for the achievement of the purposes of such an order; and
 - (b) in a manner which protects the respective interests of the members and creditors of the company.
- (2) The purposes of a PPP administration order made in relation to any company shall be—
 - (a) the transfer to another company, or (as respects different parts of its undertaking) to two or more different companies, as a going concern, of so much of the company’s undertaking as it is necessary to transfer in order to ensure that the relevant activities may be properly carried on; and
 - (b) the carrying on of those relevant activities pending the making of the transfer.
- (3) Schedule 14 to this Act shall have effect for applying provisions of the Insolvency Act 1986 where a PPP administration order is made.

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- (4) Schedule 15 to this Act shall have effect for enabling provision to be made with respect to cases in which, in pursuance of a PPP administration order, another company is to carry on all or any of the relevant activities of a PPP company in place of that company.
- (5) Without prejudice to paragraph 20 of Schedule 14 to this Act, the power conferred by section 411 of the Insolvency Act 1986 to make rules shall apply for the purpose of giving effect to the PPP administration order provisions of this Act as it applies for the purpose of giving effect to Parts I to VII of that Act, but taking any reference in that section to those Parts as a reference to those provisions.
- (6) For the purposes of this Chapter, the “relevant activities”, in relation to a PPP company, are the activities carried out, or to be carried out, by that company in performing its obligations under the PPP agreement to which it is party.
- (7) In this section—
 - “business” and “property” have the same meaning as they have in the Insolvency Act 1986;
 - “the court”, in the case of any PPP company, means the court having jurisdiction to wind up the company;
 - “the PPP administration order provisions of this Act” means this section, sections 221 to 224 below and Schedules 14 and 15 to this Act.

221 PPP administration orders made on special petitions

- (1) If, on an application made to the court by petition presented by the Mayor, the court is satisfied that either or both of the grounds specified in subsection (2) below is satisfied in relation to that PPP company, the court may make a PPP administration order in relation to that company.
- (2) The grounds mentioned in subsection (1) above are, in relation to any company,—
 - (a) that the company is or is likely to be unable to pay its debts;
 - (b) that, in a case in which the Secretary of State has certified that it would be appropriate for him to petition for the winding up of the company under section 124A of the 1986 Act (petition by the Secretary of State following inspectors' report etc), it would be just and equitable, as mentioned in that section, for the company to be wound up.
- (3) Notice of any petition under this section for a PPP administration order shall be given forthwith to such persons and in such manner as may be prescribed by rules made under section 411 of the 1986 Act; and no such petition shall be withdrawn except with the leave of the court.
- (4) Subsections (4) and (5) of section 9 of the 1986 Act (powers on application for administration order) shall apply on the hearing of the petition for a PPP administration order in relation to any company as they apply on the hearing of a petition for an administration order.
- (5) Subsections (1), (2), (4) and (5) of section 10 of the 1986 Act (effect of petition) shall apply in the case of a petition for a PPP administration order in relation to any company as if—
 - (a) the reference in subsection (1) to an administration order were a reference to a PPP administration order; and

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- (b) paragraph (b) of that subsection did require the leave of the court for the taking of any of the steps mentioned in paragraphs (b) and (c) of subsection (2) (appointment of, and exercise of functions by, administrative receiver).
- (6) For the purposes of this section a company is unable to pay its debts if—
 - (a) it is a company which is deemed to be so unable under section 123 of the 1986 Act (definition of inability to pay debts); or
 - (b) it is an unregistered company, within the meaning of Part V of the 1986 Act, which is deemed, by virtue of any of sections 222 to 224 of that Act, to be so unable for the purposes of section 221 of that Act (winding up of unregistered companies).
- (7) The functions of the Mayor under this section may be exercised by Transport for London acting as his agent, and where Transport for London so acts references to the Mayor shall be construed accordingly.
- (8) In this section—
 - “the 1986 Act” means the Insolvency Act 1986;
 - “the court” has the same meaning as in section 220 above.

222 Restriction on making winding-up order

- (1) Where a petition for the winding up of a PPP company is presented by a person other than the Mayor, the court shall not make a winding-up order in relation to that company on that petition unless—
 - (a) notice of the petition has been served on the Mayor; and
 - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (2) Where a petition for the winding up of a PPP company has been presented, the Mayor may, at any time before a winding-up order is made on the petition, make an application to the court for a PPP administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of a winding-up order.
- (3) Where, on a petition for the winding up of a PPP company, the court makes, or proposes to make, a PPP administration order by virtue of subsection (2) above, subsections (4) and (5) of section 9 of the Insolvency Act 1986 (powers on application for administration order) shall apply on the hearing of that petition as they apply on the hearing of a petition for an administration order.
- (4) In this section “the court” has the same meaning as in section 220 above.

223 Restrictions on voluntary winding-up etc

- (1) No resolution for voluntary winding up shall be passed by a PPP company without leave of the court granted on an application made for the purpose by the company.
- (2) No such leave shall be granted unless—
 - (a) notice of the application has been served on the Mayor; and
 - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (3) Where an application for leave under subsection (1) above has been made by a PPP company, the Mayor may, at any time before leave has been granted under subsection (1) above, make an application to the court for a PPP administration order

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in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of granting leave under subsection (1) above.

- (4) Where, on an application for leave under subsection (1) above, the court makes, or proposes to make, a PPP administration order by virtue of subsection (3) above, subsections (4) and (5) of section 9 of the Insolvency Act 1986 (powers on application for administration order) shall apply on the hearing of that application as they apply on the hearing of a petition for an administration order.
- (5) No administration order under Part II of the Insolvency Act 1986 shall be made in relation to a PPP company unless—
 - (a) notice of the application for the order has been served on the Mayor; and
 - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (6) Where an application for an administration order under Part II of the Insolvency Act 1986 has been made in the case of a PPP company, the Mayor may, at any time before such an order has been made on that application, make an application to the court for a PPP administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of an administration order under Part II of the Insolvency Act 1986.
- (7) No step shall be taken by any person to enforce any security over a PPP company's property, except where that person has served fourteen days' notice of his intention to take that step on the Mayor.
- (8) In this section—
 - “the court” has the same meaning as in section 220 above;
 - “resolution for voluntary winding up” has the same meaning as in the Insolvency Act 1986;
 - “security” and “property” have the same meaning as in the Insolvency Act 1986.

224 Meaning of “company” and application of provisions to unregistered, foreign and other companies

- (1) In the PPP administration order provisions of this Act—
 - “company” means—
 - (a) any company formed and registered under the Companies Act 1985 or any existing company within the meaning given in section 735(1) of that Act; and
 - (b) any unregistered company; and
 “unregistered company” has the meaning given in Part V of the 1986 Act.
- (2) In the application of section 220(1) above in a case where the PPP company there mentioned is a foreign company, the reference to the affairs, business and property of the company shall be taken as a reference to the affairs and business of the company, so far as carried on in Great Britain, and the property of the company within Great Britain.
- (3) In the application of section 9(5) of the 1986 Act by virtue of subsection (4) of section 221 above or subsection (3) of section 222 above where the petition mentioned

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- in the subsection in question relates to a company which is a foreign company, the reference to restricting the exercise of any powers of the directors or of the company shall be taken as a reference to restricting—
- (a) the exercise within Great Britain of the powers of the directors or of the company; or
 - (b) any exercise of those powers so far as relating to the affairs, business or property of the company in Great Britain.
- (4) In the application of provisions in section 10 of the 1986 Act by virtue of subsection (5) of section 221 above where the company mentioned in that subsection is a foreign company—
- (a) paragraph (a) of subsection (1) shall be omitted;
 - (b) any reference in paragraph (b) or (c) of that subsection to property or goods shall be taken as a reference to property or (as the case may be) goods for the time being situated within Great Britain;
 - (c) in paragraph (c) of that subsection—
 - (i) the reference to the commencement or continuation of proceedings shall be taken as a reference to the commencement or continuation of proceedings in Great Britain; and
 - (ii) the reference to the levying of distress against the company shall be taken as a reference to the levying of distress against the foreign company to the extent of its property in England and Wales; and
 - (d) any reference in subsection (2) to an administrative receiver shall be taken to include a reference to any person performing, in relation to the foreign company, functions equivalent to those of an administrative receiver, within the meaning of section 251 of the 1986 Act.
- (5) Subsections (1) to (4) of section 223 above shall not have effect in relation to a PPP company which is a foreign company.
- (6) In the application of subsection (7) of that section where the PPP company there mentioned is a foreign company, the reference to the company’s property shall be taken as a reference to such of its property as is for the time being situated in Great Britain.
- (7) In this section—
- “the 1986 Act” means the Insolvency Act 1986;
 - “foreign company” means a company incorporated outside Great Britain;
 - “the PPP administration order provisions of this Act” means sections 220 to 223 above, this section and Schedules 14 and 15 to this Act.

The PPP arbiter

225 The PPP arbiter

- (1) The Secretary of State may appoint a person to an office to be known as “the Public-Private Partnership Agreement Arbiter” (in this Chapter referred to as the “PPP arbiter”).
- (2) The PPP arbiter shall have the functions conferred or imposed on him by or under this Act.

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- (3) The PPP arbiter shall be a corporation sole by the name of “the Public-Private Partnership Agreement Arbiter”.
- (4) If at any time no person holds the office of PPP arbiter, the Secretary of State shall appoint a person to that office if requested in writing to do so by a party to a PPP agreement.
- (5) A request under subsection (4) above must not include a request for a particular person to be appointed.
- (6) Before making an appointment under subsection (1) or (4) above, the Secretary of State shall consult such persons as he considers appropriate concerning—
 - (a) the person to be appointed; and
 - (b) the terms of the appointment.
- (7) The office of PPP arbiter may not be held by—
 - (a) the Mayor;
 - (b) an Assembly member;
 - (c) the Authority or a member of staff of the Authority;
 - (d) Transport for London or a subsidiary of Transport for London;
 - (e) a member of Transport for London or a director of a subsidiary of Transport for London;
 - (f) a member of staff of Transport for London or of a subsidiary of Transport for London; or
 - (g) a director or employee of a PPP company or of a subsidiary of a PPP company or of a company of which a PPP company is a subsidiary.

226 Terms of appointment

- (1) A person appointed to be the PPP arbiter shall be appointed for such term as may be specified or described in the instrument appointing him and shall hold and vacate office as the PPP arbiter in accordance with the terms of his appointment.
- (2) There shall be paid to the PPP arbiter such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (3) There shall be paid such pension, allowance or gratuity to or in respect of the PPP arbiter, or such contributions or payments towards provision for such a pension, allowance or gratuity, as the Secretary of State may determine.
- (4) A person may resign from office as the PPP arbiter at any time by giving notice to the Secretary of State.
- (5) The Secretary of State may remove a person from office as the PPP arbiter—
 - (a) on the ground of incapacity or misbehaviour; or
 - (b) where the Secretary of State considers that there has been unreasonable delay in the discharge of the functions of the PPP arbiter.

227 Staff

- (1) The PPP arbiter may appoint such staff as he may determine, subject to any restrictions contained in the terms of his appointment.

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- (2) The staff of the PPP arbiter shall be appointed on such terms and conditions as he shall determine, subject to any restrictions contained in the terms of his appointment.
- (3) Any function of the PPP arbiter may be exercised by any member of his staff authorised for the purpose by him or, if there is no person who holds the office of PPP arbiter, by the Secretary of State whether specially or generally.

228 Same person as PPP arbiter and Rail Regulator: duties of staff

- (1) If at any time the offices of Rail Regulator and PPP arbiter are held by the same person, subsections (2) and (3) below shall apply until such time as those offices are next held by different persons.
- (2) Where this subsection applies, any member of the Rail Regulator’s staff may (in addition to discharging duties of that employment) be required also to discharge duties as if he were a member of the PPP arbiter’s staff of similar status.
- (3) Where this subsection applies, any member of the PPP arbiter’s staff may (in addition to discharging duties of that employment) be required also to discharge duties as if he were a member of the Rail Regulator’s staff of similar status.
- (4) Subsections (2) and (3) above apply notwithstanding anything in the terms or conditions of employment of the member of staff concerned.

229 Directions of the PPP arbiter

- (1) A PPP agreement may provide for matters of any description specified in the agreement to be referred to the PPP arbiter.
- (2) A party to a PPP agreement may refer to the PPP arbiter for direction any matter of a description specified in a provision of that agreement by virtue of subsection (1) above.
- (3) Where a matter is referred under this section to the PPP arbiter for direction he—
 - (a) shall give a direction in relation to that matter; and
 - (b) may give a direction in relation to any other matter which is ancillary or incidental to the matter referred.
- (4) The directions that may be given under subsection (3) above include directions relating to the inclusion of new terms in, or the variation of existing terms of, the PPP agreement in question.
- (5) The PPP arbiter shall give notice of any direction under subsection (3) above to the parties to the PPP agreement in question.
- (6) A direction under subsection (3) above shall be final and binding—
 - (a) on the parties to the PPP agreement in question, and
 - (b) on any persons claiming through or under those parties,and shall, if and to the extent that the notice given under subsection (5) above so provides, take effect as a term of the PPP agreement.
- (7) Where a direction has been given under subsection (3) above, the parties to the PPP agreement in question may jointly agree that subsection (6) above is not to have effect in relation to that direction.

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230 Guidance by the PPP arbiter

- (1) Any matter relating to a PPP agreement may be referred to the PPP arbiter for consideration by him—
 - (a) by all the parties to the PPP agreement acting jointly, if they so agree; or
 - (b) by any party to the PPP agreement.
- (2) Where a matter is referred by virtue of subsection (1) above to the PPP arbiter for consideration he shall consider the matter and—
 - (a) if the matter was referred under paragraph (a) of that subsection, shall give to the parties who referred the matter such guidance as he considers appropriate; or
 - (b) if the matter was referred under paragraph (b) of that subsection, may give to the parties to the PPP agreement such guidance as he considers appropriate.
- (3) The guidance which may be given by the PPP arbiter by virtue of subsection (2) above includes guidance about any matter which he considers relevant to the PPP agreement in question.
- (4) Where the PPP arbiter has given any guidance under this section in relation to a matter which is subsequently referred to him for direction under subsection (3) of section 229 above, the direction which may be given by the PPP arbiter under that subsection is not restricted by that guidance.

231 Duty of the PPP arbiter

- (1) In giving in relation to a PPP agreement—
 - (a) any direction under section 229(3) above, or
 - (b) any guidance under section 230(2) above,the PPP arbiter shall act in the way he considers best calculated to achieve the objectives specified in subsections (2) to (5) below.
- (2) The objective specified in this subsection is to ensure that an opportunity to review and amend the requirements imposed, or proposed to be imposed, on a PPP company by or under the PPP agreement in question is afforded to the appropriate relevant body if, in the opinion of the PPP arbiter, the proper price for the performance of those requirements exceeds the resources which that relevant body has notified to the PPP arbiter that it has, or expects to have, available for the purpose.

In this subsection “appropriate relevant body” means a relevant body which is a party to the PPP agreement and is to pay the price under the agreement.
- (3) The objective specified in this subsection is to promote efficiency and economy—
 - (a) in the provision, construction, renewal, or improvement, as the case may be, and
 - (b) in the maintenance,of the railway infrastructure to which the PPP agreement in question relates.
- (4) The objective specified in this subsection is to ensure that any rate of return incorporated in the PPP agreement in question would, in the opinion of the PPP arbiter,—
 - (a) taking into account such matters as may be specified in the PPP agreement, and
 - (b) leaving out of account such other matters as may be so specified,

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be earned by a company which is efficient and economic in its performance of the requirements imposed on the PPP company by or under the PPP agreement.

- (5) The objective specified in this subsection is to enable any PPP company which is a party to the PPP agreement in question to plan the future performance of the agreement with reasonable certainty.
- (6) In giving any such direction or guidance as is mentioned in subsection (1) above the PPP arbiter is to take account of any factors which—
 - (a) are notified to him by the parties to the PPP agreement in question, acting jointly, as factors to which he must have regard when giving the direction or guidance in question, or
 - (b) are factors specified or described in the PPP agreement in question as factors to which the PPP arbiter must have regard in giving any direction under section 229(3) above or any guidance under section 230(2) above.
- (7) For the purposes of subsection (4) above, a rate of return is “incorporated in a PPP agreement” if, and only if, the PPP agreement—
 - (a) contains provision specifying, or for determining, the rate of return which the PPP company in question might reasonably expect to earn; and
 - (b) states that subsection (4) above is to have effect in relation to that provision.
- (8) In this section “railway infrastructure” means the railway or proposed railway in question and includes a reference to any stations, rolling stock or depots used or to be used in connection with that railway.

232 Further powers

- (1) For the purposes of the proper discharge of the functions conferred or imposed on him by or under this Act, the PPP arbiter may—
 - (a) carry out inspections of such of the railway infrastructure or equipment belonging to, or under the control of, any party to a PPP agreement as he considers appropriate;
 - (b) consult such bodies or persons as he considers appropriate in relation to any direction or guidance given or proposed to be given by him;
 - (c) do all such things as he considers appropriate for or in connection with the giving of a direction under section 229(3) above or guidance under section 230(2) above; and
 - (d) do such other things as he considers necessary or expedient.
- (2) The powers conferred on the PPP arbiter by this section and section 233 below are exercisable for purposes preparatory or ancillary to the giving of directions or guidance under this Chapter generally and notwithstanding that there is no matter in relation to which a direction under section 229(3) above, or guidance under section 230(2) above, is required.
- (3) In this section “railway infrastructure” has the same meaning as in section 231 above.

233 Provision of information to the PPP arbiter

- (1) Any person falling within subsection (2) below shall, at the request of the PPP arbiter, provide him with such information as the PPP arbiter considers relevant to the proper

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discharge of the functions conferred or imposed on him by or under this Act and as may be specified or described in the request.

- (2) The persons who fall within this subsection are—
- (a) any party to a PPP agreement;
 - (b) any associate of a party to a PPP agreement; and
 - (c) any PPP related third party.
- (3) The information shall be provided in such form and manner, and within such time, as may be specified in the request.
- (4) A person is not obliged by virtue of this section to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- (5) For the purposes of subsection (2)(b) above, “associate”, in relation to a party to a PPP agreement, means—
- (a) a parent undertaking of that party;
 - (b) a subsidiary undertaking of any parent undertaking of that party;
 - (c) a subsidiary undertaking of that party; or
 - (d) an undertaking in which that party, or any undertaking falling within paragraphs (a) to (c) above, has a participating interest.
- (6) For the purposes of subsection (5) above—
- “parent undertaking” and “subsidiary undertaking” shall be construed in accordance with section 258 of the Companies Act 1985;
- “undertaking” has the meaning given by section 259 of that Act; and
- “participating interest” has the meaning given by section 260 of that Act.

234 Failure to provide information to PPP arbiter

- (1) If a person fails to comply with a request under section 233(1) above, the PPP arbiter may serve a notice on that person requiring him—
- (a) to produce to the PPP arbiter, at a time and place specified in the notice, any documents which are specified or described in the notice and are in his custody or under his control; or
 - (b) to provide to the PPP arbiter, at a time and place and in the form and manner specified in the notice, such information as may be specified or described in the notice.
- (2) No person shall be required under this section—
- (a) to produce any documents which he could not be compelled to produce in civil proceedings in the court; or
 - (b) in complying with any requirement for the provision of information, to provide any information which he could not be compelled to give in evidence in any such proceedings.
- (3) A person who intentionally alters, suppresses or destroys any document which he has been required to produce by a notice under subsection (1) above is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

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- (4) If a person makes default in complying with a notice under subsection (1) above, the court may, on the application of the PPP arbiter, make such order as the court thinks fit for requiring the default to be made good.
- (5) Any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.
- (6) In this section—
 - (a) any reference to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form; and
 - (b) the reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (7) In this section “the court” means the High Court.

235 Restrictions on disclosure of information

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
 - (a) has been obtained by the PPP arbiter under or by virtue of any of the provisions of this Chapter, and
 - (b) relates to the affairs of any individual or to any particular business,shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
 - (a) for the purpose of facilitating the carrying out by the Secretary of State, the Mayor of London, Transport for London or the PPP arbiter of any of his or, as the case may be, its functions under this Act;
 - (b) for the purpose of facilitating the carrying out by the Secretary of State, the Rail Regulator, the Franchising Director, the Competition Commission or the Mayor of any of his or, as the case may be, its functions under the Railways Act 1993;
 - (c) for the purpose of facilitating the carrying out by—
 - (i) any Minister of the Crown,
 - (ii) the Director General of Fair Trading,
 - (iii) the Competition Commission,
 - (iv) the Director General of Telecommunications,
 - (v) the Director General of Gas Supply,
 - (vi) the Director General of Water Supply,
 - (vii) the Director General of Electricity Supply,
 - (viii) the Civil Aviation Authority,
 - (ix) the Insolvency Practitioners Tribunal, or
 - (x) a local weights and measures authority in Great Britain,of any of his or, as the case may be, its functions under any of the enactments or instruments specified in subsection (3) below;

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- (d) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency or for the purpose of enabling or assisting any inspector appointed under the enactments relating to companies to carry out his functions;
 - (e) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the Insolvency Act 1986 to carry out its functions as such;
 - (f) for the purpose of facilitating the carrying out by the Health and Safety Commission or the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
 - (g) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
 - (h) for the purpose of facilitating the carrying out by the International Rail Regulator of any of his functions under any subordinate legislation made for the purpose of implementing—
 - (i) the Directive of the Council of the European Communities dated 29th July 1991 on the development of the Community’s railways; or
 - (ii) Council Directive [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees;
 - (j) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
 - (k) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments or instruments specified in subsection (3) below; or
 - (l) in pursuance of a Community obligation.
- (3) The enactments and instruments referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
 - (b) the Fair Trading Act 1973;
 - (c) the Consumer Credit Act 1974;
 - (d) the Restrictive Trade Practices Act 1976;
 - (e) the Resale Prices Act 1976;
 - (f) the Estate Agents Act 1979;
 - (g) the Competition Act 1980;
 - (h) the Telecommunications Act 1984;
 - (j) the Airports Act 1986;
 - (k) the Gas Act 1986;
 - (l) the Insolvency Act 1986;
 - (m) the Consumer Protection Act 1987;
 - (n) the Electricity Act 1989;
 - (o) the Property Misdescriptions Act 1991;
 - (p) the Water Industry Act 1991;
 - (q) the Water Resources Act 1991;
 - (r) the Railways Act 1993;

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- (s) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities dated 10th September 1984 on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
- (4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.
- (5) The prohibition imposed by subsection (1) above shall be enforceable by civil proceedings—
 - (a) by the individual mentioned in that subsection, or
 - (b) by the person for the time being carrying on the business there mentioned, for an injunction or for any other appropriate relief or remedy.
- (6) In this section “the Franchising Director” means the Director General of Passenger Rail Franchising.

236 Immunity

- (1) The PPP arbiter is not liable for anything done or omitted in the discharge or purported discharge of his functions as the PPP arbiter unless the act or omission is shown to have been in bad faith.
- (2) Subsection (1) above applies to a member of the staff of, or an agent of, the PPP arbiter as it applies to the PPP arbiter.

237 Expenses

- (1) The following expenses, namely—
 - (a) any sums payable by virtue of section 226(2) or (3) above, and
 - (b) any expenses duly incurred by the PPP arbiter or by any staff of the PPP arbiter,shall be defrayed by the Secretary of State.
- (2) A relevant body which is a party to a PPP agreement shall pay to the Secretary of State, at such times as he may direct, such sums as the Secretary of State may determine in respect of expenses defrayed by the Secretary of State under subsection (1) above.
- (3) A PPP agreement may provide that sums paid by a relevant body by virtue of subsection (2) above, or any portion of such sums as may be specified or described in the PPP agreement, may be recovered by the relevant body from a PPP company which is a party to the PPP agreement.
- (4) Where a PPP agreement includes provision by virtue of subsection (3) above making any sum recoverable by a relevant body, the directions which may be given under section 229(3) above include directions varying the amount so recoverable.
- (5) Sums received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.

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Miscellaneous and supplementary

238 Statutory undertakers

Where, by virtue of a PPP agreement, statutory functions relating to a railway are exercisable by a PPP company, the PPP company shall, as respects any matter arising from the carrying out of the subject-matter of the PPP agreement, be taken to be authorised by an enactment to carry on a railway undertaking.

239 Interpretation of Chapter VII

(1) In this Chapter, unless the context otherwise requires—

“key system assets” has the meaning given by section 213(1) above;

“locomotive” means any railway vehicle which has the capacity for self-propulsion (whether or not the power by which it operates is derived from a source external to the vehicle);

“PPP agreement” has the meaning given by section 210 above;

“PPP arbiter” shall be construed in accordance with section 225(1) above;

“PPP company” shall be construed in accordance with section 210(5) above;

“PPP designation” shall be construed in accordance with section 212(1) above;

“PPP lease” has the meaning given by section 218 above;

“PPP related third party” shall be construed in accordance with section 215(2)(b) above;

“PPP related third party agreement” means any arrangements falling within section 215(2)(b) above;

“premises” includes any land, building or structure;

“public sector operator” has the meaning given by section 211 above;

“railway” has the meaning given in section 67(1) of the Transport and Works Act 1992;

“railway vehicle” includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along a railway;

“the relevant authority” means—

(a) as respects any time before the transfer date, London Regional Transport; and

(b) as respects any time on or after that date, Transport for London;

“relevant body” has the meaning given by section 210(2) above (that is to say, London Regional Transport, Transport for London or a subsidiary of London Regional Transport or Transport for London);

“rolling stock” means any carriage, wagon or other vehicle used on a railway and includes a locomotive;

“station” means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

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“the transfer date” means the date on which London Underground Limited becomes a subsidiary of Transport for London;

“vehicle” includes a railway vehicle.

- (2) Any reference in this Chapter to a railway includes a reference to any stretch of track comprised in a railway.

CHAPTER VIII

TRAVEL CONCESSIONS

240 Travel concessions on journeys in and around Greater London

- (1) Subject to subsection (3) below, any local authority, or any two or more local authorities acting jointly, may enter into arrangements with Transport for London under which—
- (a) Transport for London grants, or arranges with some other person for that other person to grant, such travel concessions as may be provided for by the arrangements to any persons eligible to receive them in accordance with subsection (5) below; and
 - (b) that local authority reimburses (or, as the case may be, those local authorities in such proportions respectively as they may agree amongst themselves reimburse) the cost incurred in granting those concessions.
- (2) Subject to subsection (3) below, any London authority, or any two or more London authorities acting jointly, may enter into, with any independent transport service operator or with the Franchising Director, arrangements under which—
- (a) that operator or (as the case may be) the Franchising Director grants such travel concessions as may be provided for by the arrangements to any persons eligible to receive them in accordance with subsection (5) below; and
 - (b) that authority reimburses (or, as the case may be, those authorities in such proportions respectively as they may agree amongst themselves reimburse) the cost incurred in granting those concessions.
- (3) The concessions that may be provided for by any arrangements under subsection (1) or (2) above are concessions on journeys—
- (a) between places in Greater London;
 - (b) between such places and places outside but in the vicinity of Greater London;
or
 - (c) between places outside but in the vicinity of Greater London.
- (4) Any arrangements entered into by a local authority under subsection (1) or (2) above may include provision for the performance of functions in connection with the travel concessions in question by the local authority or local authorities concerned.
- (5) The persons eligible to receive travel concessions under arrangements made under subsection (1) or (2) above are persons, or any description of persons,—
- (a) who have attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995);
 - (b) who are so blind as to be unable to perform any work for which sight is essential; or

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- (c) who suffer from a disability or injury which, in the opinion of the local authority or any of the local authorities by whom the cost incurred in granting the concessions falls to be reimbursed, seriously impairs their ability to walk.
- (6) In subsection (2) above “independent transport service operator” means any person, other than a person to whom subsection (7) below applies, operating—
- (a) a public service vehicle undertaking (“public service vehicle” for this purpose having the meaning given by section 1 of the Public Passenger Vehicles Act 1981);
 - (b) a system using guided transport within the meaning of subsection (1) of section 67 of the Transport and Works Act 1992;
 - (c) a railway within the meaning of that subsection;
 - (d) a tramway within the meaning of that subsection;
 - (e) a trolley vehicle system within the meaning of that subsection; or
 - (f) an undertaking providing public passenger transport services on the river Thames or a tributary of the river Thames between places in Greater London or between places in Greater London and places outside Greater London.
- (7) This subsection applies to—
- (a) Transport for London or any of its subsidiaries;
 - (b) the Franchising Director; and
 - (c) any person providing public passenger transport services in pursuance of an agreement entered into by Transport for London by virtue of section 156(2) or (3)(a) above or in pursuance of a transport subsidiary’s agreement.
- (8) In this Chapter—
- “the Franchising Director” means the Director of Passenger Rail Franchising;
 - “local authority” means the council of a county or district and any London authority;
 - “London authority” means any London borough council and the Common Council; and
 - “travel concession” means the reduction or waiver of a fare or charge either absolutely or subject to terms, limitations or conditions.
- (9) For the purposes of this Chapter a reference to an agreement entered into by Transport for London under section 156(2) or (3) above includes a reference to an agreement—
- (a) which was entered into by London Regional Transport under section 3(2) or (2A) of the London Regional Transport Act 1984, and
 - (b) which by virtue of section 300 or 415 below has effect as if made by Transport for London.

241 Reserve free travel scheme for London residents

- (1) If immediately before 1st January in any financial year it appears to Transport for London that there are not for the time being in force arrangements under section 240(1) above for travel concessions for London residents which—
- (a) meet the requirements of section 242 below as to scope,
 - (b) meet the requirements of section 243 below as to uniformity, and
 - (c) will apply throughout the next following financial year,

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there shall have effect during that next following financial year a scheme (the “free travel scheme”) for the purpose of ensuring that travel concessions are provided for eligible London residents.

- (2) Where individual arrangements under section 240(1) above made between a particular local authority or local authorities and Transport for London apply to certain eligible London residents only, all arrangements so made shall be considered together for the purpose of determining whether the requirements of sections 242 and 243 below are satisfied.
- (3) In any financial year during which the free travel scheme has effect it shall be the duty of Transport for London to provide or secure the provision of the travel concessions for eligible London residents required by the free travel scheme.
- (4) In this Chapter “eligible London residents” means persons resident in Greater London who are eligible in accordance with section 240(5) above to receive travel concessions under arrangements under subsection (1) of that section.
- (5) Schedule 16 to this Act (which makes further provision relating to the free travel scheme) shall have effect.

242 Requirements as to scope

- (1) Arrangements under section 240(1) above for travel concessions for London residents meet the requirements of this section as to scope if they provide for the grant of travel concessions to all eligible London residents on journeys falling within subsection (2) below.
- (2) Those journeys are journeys of a description falling within section 240(3) above, on the London Local Transport Network.
- (3) For the purposes of this Chapter, the London Local Transport Network consists of—
 - (a) bus services which together make up the London bus network within the meaning of section 181 above;
 - (b) services using a system of guided transport which are provided by Transport for London or under an agreement entered into by Transport for London under section 156(2) or (3)(a) above or under a transport subsidiary’s agreement;
 - (c) railway services which are so provided;
 - (d) tramway services which are so provided; and
 - (e) services on the river Thames or a tributary of the river Thames which are so provided.
- (4) In subsection (3) above “guided transport”, “railway” and “tramway” have the same meanings as in section 240(6) above.
- (5) The requirements of this section as to scope do not preclude the imposition of terms, limitations or conditions with respect to the particular journeys falling within subsection (2) above on which travel concessions are available.
- (6) Such terms, limitations or conditions may make different provision for different categories of eligible London residents.
- (7) In this Chapter a reference to a category of eligible London residents is a reference to the categories of such residents mentioned in paragraphs (a), (b) and (c) of section 240(5) above.

243 Requirements as to uniformity

- (1) Arrangements under section 240(1) above for travel concessions for London residents meet the requirements of this section as to uniformity if they—
 - (a) make the same provision, for all eligible London residents of the same category, with respect to the benefit of any travel concession granted to those residents under the arrangements and the periods during which it is available;
 - (b) make the enjoyment of the benefit of any travel concession granted under the arrangements conditional on the production, by any person seeking to travel under that concession, of a travel concession permit issued to him in accordance with the arrangements; and
 - (c) make the same provision with respect to the period of validity of all travel concession permits issued in accordance with the arrangements to eligible London residents of the same category,whether or not, in any other respects, the arrangements make different provision for different cases to which they apply.
- (2) References in subsection (1) above to the benefit of a travel concession are references to the waiver or reduction of any fare or charge to which the arrangements in question apply, as distinct from any terms, limitations or conditions applicable to that waiver or reduction in accordance with the arrangements.
- (3) For the requirements of this section as to uniformity to be met it is sufficient that those requirements are met in relation to each description of services comprising the London Local Transport Network individually.
- (4) The reference in subsection (3) above to a description of services is a reference to the descriptions mentioned in paragraphs (a) to (e) of section 242(3) above.
- (5) In this Chapter “travel concession permit” means, in relation to a travel concession granted under or by virtue of this Chapter, a document in any form indicating that the person to whom it is issued is a person entitled in accordance with the provisions of this Chapter to receive the concession in question.

244 Exercise of functions by a joint committee

- (1) If all the London authorities enter into arrangements under section 101(5) of the Local Government Act 1972 for the joint discharge of their functions under—
 - (a) subsection (1) of section 240 above, or
 - (b) subsection (2) of that section,and the arrangements so provide, then this section shall apply.
- (2) The arrangements shall have effect for such period as may be specified in the arrangements or until otherwise terminated by the unanimous decision of the London authorities.
- (3) The arrangements must provide for the function to be discharged only by a joint committee under section 101(5)(a) of the Local Government Act 1972.
- (4) The joint committee must consist of one member of each London authority.
- (5) Decisions of the joint committee must be unanimous decisions of those present and voting.

- (6) Subsection (5) above is subject to a resolution of the joint committee, passed unanimously by those present and voting, that—
- (a) decisions of a kind specified in the resolution, or
 - (b) decisions generally,
- may be made by such majority of those present and voting as may be specified in the resolution.
- (7) The majority specified in a resolution under subsection (6) above must be not less than two-thirds of the members of the joint committee.
- (8) In consequence of the preceding provisions of this section—
- (a) section 102 of the Local Government Act 1972 (appointment of committees) has effect in relation to the joint committee subject to those provisions; and
 - (b) paragraph 39(1) of Schedule 12 to that Act (questions to be decided by simple majority), as applied to a joint committee by paragraph 44(1) of that Schedule, does not have effect in relation to the joint committee.

CHAPTER IX

PENALTY FARES

245 Penalty fares

Schedule 17 to this Act shall have effect for the purpose of providing for the payment of penalty fares in the circumstances set out in that Schedule.

CHAPTER X

THE TRANSPORT USERS' COMMITTEE

246 Abolition of the London Regional Passengers' Committee

- (1) Section 40 of the London Regional Transport Act 1984 (which established the London Regional Passengers' Committee) shall cease to have effect.
- (2) Any appointment to the London Regional Passengers' Committee in pursuance of that section shall cease to have effect.

247 The London Transport Users' Committee

- (1) There shall be a body corporate to be known as the London Transport Users' Committee, referred to in this Chapter as “the Committee”.
- (2) The Committee shall consist of—
 - (a) a Chairman, and
 - (b) not more than twenty-four other members,appointed by the Assembly after consultation with the Rail Regulator.

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- (3) In appointing members under subsection (2) above, the Assembly shall have regard to the desirability of ensuring that the members of the Committee between them represent the interests of—
- (a) those who use passenger transport facilities and services in Greater London, and
 - (b) those who use rail passenger transport facilities and services in the area for which the Committee is treated as the Rail Users' Consultative Committee by virtue of section 2(4) of the Railways Act 1993.
- (4) A person may not be appointed under subsection (2) above if he is—
- (a) an Assembly member,
 - (b) a member of Transport for London,
 - (c) a member of staff of Transport for London, or
 - (d) a member of staff of the Authority.
- (5) If, at any time after he is appointed, a member of the Committee becomes a person within subsection (4)(a) to (d) above, he shall cease to be a member of the Committee.
- (6) The Assembly may designate one or more members of the Committee to be deputy chairman or (as the case may be) deputy chairmen of the Committee.
- (7) Schedule 18 to this Act shall have effect with respect to the Committee.

248 Representations to the Committee

- (1) The Committee shall consider and, where it appears to the Committee to be desirable, make recommendations with respect to, any matter—
- (a) affecting the functions of the Authority or Transport for London which relate to transport, and
 - (b) falling within subsection (3) below, other than a matter relating to the transportation of freight.
- (2) The matters falling within subsection (1)(a) above include in particular any matter relating to—
- (a) services or facilities provided by Transport for London or any of its subsidiaries,
 - (b) services or facilities provided in pursuance of an agreement entered into by Transport for London or in pursuance of a transport subsidiary's agreement,
 - (c) services or facilities otherwise authorised by Transport for London to be provided,
 - (d) a hackney carriage or a person licensed to be the driver of a hackney carriage, or
 - (e) a private hire vehicle or a person who holds a private hire vehicle driver's licence or a private hire vehicle operator's licence.
- (3) A matter falls within this subsection—
- (a) if it has been the subject of representations (other than representations appearing to the Committee to be frivolous) made to the Committee by or on behalf of users of—
 - (i) any of the services or facilities mentioned in subsection (2) above, or
 - (ii) hackney carriages or private hire vehicles,

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- (b) if it has been referred to the Committee by Transport for London or the Authority, or
 - (c) if it otherwise appears to the Committee to be a matter to which consideration ought to be given.
- (4) Where a representation is made to the Committee in respect of a matter relating to a highway for which Transport for London is the highway authority and the traffic authority, the Committee shall in making any recommendation under subsection (1) above consider the interests of all those who use the highway for the purposes of passenger transport, including cyclists and pedestrians.
- (5) Where a representation is made to the Committee about a matter—
- (a) which relates to passenger transport by land or water in Greater London, but
 - (b) which is not a matter the Committee must consider by virtue of subsection (1) above,
- the Committee shall refer the matter to the person whom the Committee considers the most appropriate to consider the matter.
- (6) Where a representation is made to the Committee about a matter falling within subsection (2)(d) or (e) above and the matter relates to—
- (a) any contravention of, or failure to comply with, any rule of law, or
 - (b) any breach of condition of a licence which has been granted by Transport for London,
- the Committee shall refer the matter to Transport for London and shall notify the person who made the representation of the referral.
- (7) Where the Committee refers a matter under subsection (5) above, the Committee shall inform the person who made the representation of the name of the body or person to whom the matter has been referred.
- (8) In this section—
- “hackney carriage” means a vehicle licensed under section 6 of the Metropolitan Public Carriage Act 1869;
 - “person licensed to be the driver of a hackney carriage” means a person licensed under section 8 of the Metropolitan Public Carriage Act 1869 or section 8 of the London Hackney Carriages Act 1843;
 - “private hire vehicle” means a vehicle for which a private hire vehicle licence for London is in force under section 7 of the Private Hire Vehicles (London) Act 1998;
 - “private hire vehicle driver’s licence” means a licence granted under section 13 of that Act;
 - “private hire vehicle operator’s licence” means a licence granted under section 3 of that Act.

249 Voluntary arrangements with transport providers

- (1) The Committee may enter into arrangements with any person providing public passenger transport services or facilities in Greater London under which the Committee may consider any matter—
- (a) which relates to such transport services or facilities provided by that person, but
 - (b) which is not a matter falling within section 248(1) above.

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- (2) Arrangements under subsection (1) above shall be on such terms as may be agreed by the parties but may in particular include provision for the person with whom the Committee enters into the arrangements to make such payments by way of reimbursement of costs incurred by the Committee under the arrangements as the arrangements may specify.
- (3) Arrangements under this section may be entered into by the Committee only with the consent of the Assembly.

250 Recommendations and reports etc

- (1) Copies of the minutes, conclusions and recommendations of the Committee with respect to any matter shall be sent—
 - (a) to the Assembly,
 - (b) to the Mayor, and
 - (c) to Transport for London.
- (2) The Committee shall make an annual report to the Assembly and the Rail Regulator.
- (3) Where the Assembly, the Mayor or Transport for London reach a decision with respect to matters dealt with in any recommendation received under subsection (1) above, the decision shall be notified to the Committee.

251 Directions by the Assembly

- (1) The Assembly may issue to the Committee—
 - (a) guidance as to the manner in which they are to exercise their functions, or
 - (b) general directions as to the manner in which they are to exercise their functions.
- (2) The Committee shall exercise their functions in accordance with such guidance or directions as may be issued by the Assembly under subsection (1) above.
- (3) Any guidance or directions issued under subsection (1) above must be issued in writing and notified to such officer of the Committee as the Committee may from time to time nominate to the Assembly for the purpose.

252 Role as rail users' consultative committee

- (1) In section 2(4) of the Railways Act 1993 (London Regional Passengers' Committee to be the Rail Users' Consultative Committee for Greater London), for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.
- (2) Schedule 19 to this Act (which contains amendments of enactments relating to the London Regional Passengers' Committee in consequence of the substitution for that committee of the London Transport Users' Committee) shall have effect.

CHAPTER XI

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

253 Hackney carriages

Schedule 20 to this Act (which makes provision about hackney carriages) shall have effect.

254 The Private Hire Vehicles (London) Act 1998

- (1) Except as provided by the following provisions of this section, the functions of the Secretary of State under the Private Hire Vehicles (London) Act 1998 are transferred by this subsection to Transport for London.
- (2) Subsection (1) above does not apply to any functions of the Secretary of State under section 37, 38 or 40 of that Act (transitional provisions, financial provisions and commencement etc).
- (3) Schedule 21 to this Act (which makes amendments to the Private Hire Vehicles (London) Act 1998 in consequence of subsections (1) and (2) above) shall have effect.
- (4) Any regulations made, licence issued, authorisation granted, or other thing done under the Private Hire Vehicles (London) Act 1998, other than section 37, 38 or 40, by or in relation to the Secretary of State before the coming into force of this section shall have effect as from the coming into force of this section as made, issued, granted or done by or in relation to Transport for London.

255 Provisions consequent on alteration of metropolitan police district

- (1) Where, by virtue of the coming into force of section 323 below, the whole or any part of the area of a district council ceases to be within the metropolitan police district, the following provisions of this section shall have effect.
- (2) The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages, as incorporated in the Public Health Act 1875, shall apply throughout the council's area.
- (3) The council's area shall constitute a single licensing area for the purposes of those provisions, without the passing of any resolution under Part II of Schedule 14 to the Local Government Act 1972 (extension resolutions).
- (4) The provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles) shall also apply throughout the council's area, without the passing of any resolution under section 45 of that Act (application of Part II).
- (5) Where an order is made under section 425 below bringing section 323 below into force, the provision that may be made by virtue of section 420 or 425 below includes provision enabling or facilitating—
 - (a) the making of byelaws,
 - (b) the issuing of licences, discs or plates, and
 - (c) the establishment and operation of a licensing system,

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in relation to hackney carriages or private hire vehicles by a district council falling within subsection (1) above in preparation for the coming into force of this section.

- (6) The provision that may be made by virtue of subsection (5) above includes provision for the application of any enactment with or without modification.
- (7) Subsections (5) and (6) above are without prejudice to the provision that may be made by virtue of sections 420 and 425 below.

CHAPTER XII

WATER TRANSPORT

256 Provision of facilities to benefit users of waterways

- (1) Subject to subsection (2) below, Transport for London may provide or secure the provision of such amenities and facilities as it considers would benefit persons using any waterway.
- (2) Before commencing any works for the purposes of exercising the powers under subsection (1) above, Transport for London shall—
- (a) comply with any requirement in an enactment to obtain a licence or consent in respect of the works, or
 - (b) if there is no such requirement, obtain the consent to the works of any person who is under a duty to maintain the waterway to which they relate.

257 The Woolwich Ferry

The duty of the Secretary of State under section 16 of the Metropolitan Board of Works (Various Powers) Act 1885 to work a ferry-boat across the River Thames is transferred to Transport for London by this section.

258 Landing places: transfer of certain rights and obligations

- (1) This section applies where—
- (a) a landing place was transferred to London Regional Transport or any of its subsidiaries on or after 31st March 1999 but before this section comes into force, or
 - (b) after this section comes into force a landing place is transferred to London Regional Transport or any of its subsidiaries pursuant to an agreement made on or after 31st March 1999 but before this section comes into force.
- (2) In this section “qualifying landing place”—
- (a) means a landing place transferred as mentioned in subsection (1)(a) or (b) above, and
 - (b) includes any property associated with the landing place and transferred with it.
- (3) Any agreement —
- (a) made between the transferor of a qualifying landing place and the owner of a vessel, or with a waterman in respect of a vessel not owned by him, and
 - (b) which concerns the use of the qualifying landing place by the vessel,

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shall have effect on and after the relevant date in accordance with subsections (4) to (6) below.

- (4) The agreement shall have effect as if—
- (a) the transferee had been a party to the agreement instead of the transferor;
 - (b) for any reference to the transferor there were substituted a reference to the transferee;
 - (c) any reference to any officer or member of staff of the transferor were a reference to such person as the transferee may appoint or, in default of appointment, to the officer or member of staff of the transferee who most closely corresponds to the transferor’s officer or member of staff;

and this subsection shall apply whether or not the agreement is capable of being assigned or transferred.

- (5) An agreement shall only have effect in accordance with subsection (4) above—
- (a) to the extent that the agreement concerns the use of the qualifying landing place by the vessel, and
 - (b) in relation to things falling to be done under the agreement on or after the relevant date.

- (6) An agreement shall not have effect in accordance with subsection (4) above to the extent that the transferor and the transferee have made contrary provision.

- (7) For the purposes of this section—

“landing place” means any waterside landing place, pier, jetty, pontoon or other similar installation;

“transferee”, in relation to a qualifying landing place, means the body (being London Regional Transport or one of its subsidiaries) to which the landing place is or was transferred as mentioned in subsection (1)(a) or (b) above;

“transferor”, in relation to qualifying landing place, means the person by whom the landing place is or was transferred to a transferee as mentioned in subsection (1)(a) or (b) above;

“relevant date”, in the case of a qualifying landing place, means—

- (a) the date when this section comes into force if on that date the landing place has been transferred to a transferee, or
- (b) if the landing place has not been so transferred, the date when it is transferred to the transferee;

“waterman” means a person who navigates a vessel used for carrying passengers for reward.

CHAPTER XIII

HIGHWAYS

*GLA roads***259 Introductory**

- (1) Section 1 of the Highways Act 1980 (highway authorities: general provisions) shall be amended as follows.
- (2) After subsection (2) there shall be inserted—
 - “(2A) Transport for London is the highway authority for all GLA roads.”
- (3) In subsection (3) (highways for which a London borough council or the Common Council is the highway authority) after “which are not” there shall be inserted “for the time being GLA roads or”.
- (4) In section 2(1) of the Highways Act 1980 (highway authority for road which ceases to be a trunk road) for paragraph (b) (roads in London boroughs) there shall be substituted—
 - “(b) where the road is situated in Greater London, Transport for London,”.
- (5) After subsection (2) there shall be added—
 - “(3) Where Transport for London becomes the highway authority for a road by virtue of subsection (1) above, the road shall become a GLA road.”

260 Designation of first GLA roads

After section 14 of the Highways Act 1980 there shall be inserted—

*“GLA roads***14A Designation of first GLA roads by Secretary of State**

- (1) The Secretary of State may by order designate highways or proposed highways as highways which are to be GLA roads.
- (2) Any highway or proposed highway so designated—
 - (a) shall become a GLA road, and
 - (b) if it is a trunk road or other highway for which the Secretary of State is the highway authority, shall accordingly cease to be such a road or highway,

on such date as may be specified in that behalf in the order.
- (3) Orders under this section may be made or amended at any time before the beginning of the term of office of the first Mayor of London.”

261 Orders by the Authority changing what are GLA roads

After section 14A of the Highways Act 1980 there shall be inserted—

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“14B Orders of the Authority changing what are GLA roads

- (1) The Mayor of London shall keep under review the system of highways and proposed highways in Greater London and the allocation of responsibility for that system between the different local highway authorities.
- (2) If the Mayor of London considers it expedient that—
 - (a) any highway or proposed highway in Greater London, other than a trunk road, should become a GLA road, or
 - (b) that any GLA road should cease to be such a road and should become a road for which the highway authority is a London borough council or the Common Council,the Greater London Authority may by order direct that that highway or proposed highway shall become, or (as the case may be) that that road shall cease to be, a GLA road as from such date as may be specified in that behalf in the order.
- (3) Where an order under subsection (2) above directs that a highway or proposed highway shall become a GLA road, it shall become such a road as from the date specified in that behalf in the order.
- (4) Where an order under subsection (2) above directs that a GLA road shall cease to be such a road, then, as from the date specified in that behalf in the order, the road shall cease to be a GLA road and the following authority, that is to say—
 - (a) where the road is situated in a London borough, the council for the London borough, and
 - (b) where the road is situated in the City, the Common Council,shall become the highway authority for the road.
- (5) An order under this section shall be of no effect unless—
 - (a) it is made with the consent of the relevant highway authority; or
 - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (6) For the purposes of subsection (5) above, the relevant highway authority is—
 - (a) in the case of an order directing that a highway or proposed highway shall become a GLA road, the authority which is the highway authority for the highway or proposed highway; and
 - (b) in the case of an order directing that a GLA road shall cease to be such a road, the authority which will become the highway authority for the road in consequence of the order.”

262 Certification and records of GLA roads

After section 14B of the Highways Act 1980 there shall be inserted—

“14C Certification and records of GLA roads

- (1) A certificate by or on behalf of Transport for London that any highway or proposed highway is, or is not, for the time being a GLA road shall be evidence of the facts stated in the certificate.

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- (2) A certificate under subsection (1) above may describe the highway or proposed highway in question by reference to a map.
- (3) Transport for London shall prepare and maintain a record of the highways which are for the time being GLA roads.
- (4) The record required to be prepared and maintained under subsection (3) above may consist of—
 - (a) a list;
 - (b) a map; or
 - (c) a list and a map.
- (5) Transport for London shall deposit a copy of that record with the Greater London Authority, each of the London borough councils and the Common Council.
- (6) Transport for London, and the Greater London Authority, each of the London borough councils and the Common Council, shall make the record, or (as the case may be) the copies of the record deposited with them, available for inspection by the public at all reasonable hours.”

263 Supplementary provisions

- (1) After section 14C of the Highways Act 1980 there shall be inserted—

“14D Construction of provisions relating to GLA roads

- (1) Any reference in any provision of this Act or any other enactment to a GLA road shall be construed as a reference to a highway or proposed highway in Greater London which is for the time being a GLA road by virtue of—
 - (a) section 2(3) above;
 - (b) an order made by the Secretary of State under section 14A above; or
 - (c) an order made under section 14B above by the Greater London Authority.
 - (2) The functions conferred or imposed on the Greater London Authority in relation to GLA roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
 - (3) Subsection (2) above does not apply in relation to any function expressly conferred or imposed on the London Assembly.”
- (2) In section 325 of the Highways Act 1980 (regulations, schemes and orders)—
 - (a) in subsection (1)(d) (power to confirm orders exercisable by statutory instrument, except as there mentioned)—
 - (i) after “sections 14,” there shall be inserted “14B,” and
 - (ii) for “and 124” there shall be substituted “, 124 and 266B”;
 - (b) in subsection (2)(b) (orders subject to negative parliamentary procedure) after “section” there shall be inserted “14A or”.
 - (3) Section 326 of the Highways Act 1980 (revocation or variation of schemes and orders) shall be amended as follows.

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- (4) In subsection (2) (orders made otherwise than by statutory instrument)—
 - (i) after “section 14,” there shall be inserted “14B,” and
 - (ii) for “or 124” there shall be substituted “, 124 or 266B”.
- (5) In subsection (6) (orders which may make consequential provision)—
 - (i) after “section 14,” there shall be inserted “14A, 14B,” and
 - (ii) for “or 124” there shall be substituted “, 124 or 266B”.
- (6) In section 329 of the Highways Act 1980 (further provisions as to interpretation) in subsection (1), the following definition shall be inserted at the appropriate place—

““GLA road” shall be construed in accordance with section 14D(1) above;”.

264 Transfer of property and liabilities upon a highway becoming or ceasing to be a GLA road

After section 266 of the Highways Act 1980 there shall be inserted—

“266A Transfer of property and liabilities upon a highway becoming or ceasing to be a GLA road

- (1) This section applies where, by virtue of an order made by the Greater London Authority under section 14B(2) above, a highway or proposed highway becomes, or ceases to be, a GLA road.
- (2) As from the operative date there are transferred to the new highway authority by virtue of this section—
 - (a) the property mentioned in subsection (4) below, in so far as, immediately before the operative date, it was vested in the former highway authority for the purposes of their functions in relation to the transferred highway, and
 - (b) all liabilities incurred by any such authority for the purposes of its functions in relation to the transferred highway and not discharged before the operative date, other than loans and loan charges,and the property and liabilities so transferred vest, by virtue of this section, in the new highway authority.
- (3) There is not transferred to the new highway authority by virtue of this section any right or liability in respect of—
 - (a) work done, services rendered, goods delivered, or money due for payment, before the operative date, or
 - (b) damages or compensation for any act or omission before that date, or
 - (c) the price of, or compensation for, any land purchased, or for which a contract to purchase has been concluded, before that date.
- (4) The property referred to in subsection (2)(a) above is—
 - (a) land, other than land—
 - (i) vested in the former highway authority for the purpose of being used for the storage of materials required wholly or mainly for the maintenance and improvement of other highways, or

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- (ii) acquired for the improvement or development of frontages to the highway, or of land adjoining or adjacent to the highway, and
 - (b) all other property (including unexpended balances of any grants paid by the Minister to the former highway authority), other than—
 - (i) materials to be used for the maintenance or improvement of the highway, and
 - (ii) the unexpended balances of any loans raised by the former highway authority.
- (5) Any property vested in the new highway authority by virtue of this section shall be held by it subject to all covenants, conditions and restrictions subject to which the property was held by the former highway authority and to all liabilities affecting the property, except liabilities referred to in subsection (3) above.
- (6) The new highway authority and the former highway authority may agree, on such terms as they think fit—
 - (a) that any property or liabilities (except loans and loan charges) acquired or incurred by the former highway authority for the purposes of their functions in relation to the transferred highway, other than property or liabilities transferred to the new highway authority by virtue of this section, shall be transferred to the new highway authority, or
 - (b) that any property or liabilities transferred to the new highway authority by virtue of this section shall be re-transferred to the former highway authority.
- (7) Any dispute between the new highway authority and any other person as to the property or liabilities transferred by virtue of this section shall be determined by arbitration.
- (8) Paragraphs 1 and 3 to 8 of Schedule 21 to this Act shall have effect for the purpose of providing for transitional matters arising where a highway or proposed highway becomes, or ceases to be, a GLA road as it applies where a highway becomes, or ceases to be, a trunk road; but in having such effect those paragraphs shall be treated as if—
 - (a) for the references to a trunk road there were substituted references to a GLA road, and
 - (b) for the references to the Minister there were substituted references to the new highway authority (within the meaning of this section).
- (9) For the purposes of this section—
 - “former highway authority” means the highway authority for the transferred highway immediately before the operative date;
 - “new highway authority” means the highway authority for the transferred highway immediately after the operative date;
 - “operative date” means the date on which the highway or proposed highway becomes, or ceases to be, a GLA road;
 - “property” includes property, rights and powers of every description; and
 - “transferred highway” means the highway or proposed highway which is the subject of the order under section 14B(2) above.”

265 Transfer of employees upon a highway becoming or ceasing to be a GLA road

After section 266A of the Highways Act 1980 there shall be inserted—

“266B Transfer of employees upon a highway becoming or ceasing to be a GLA road

- (1) This section applies where, by virtue of an order made by the Greater London Authority under section 14B(2) above, a highway or proposed highway becomes, or ceases to be, a GLA road.
- (2) The Greater London Authority may, if it is necessary in connection with the highway becoming, or ceasing to be, a GLA road, by order make schemes containing provision for or in connection with the transfer from the former highway authority to the new highway authority of rights and liabilities under contracts of employment.
- (3) The rights and liabilities which may be transferred by such a scheme include rights and liabilities which would not otherwise be capable of being transferred or assigned.
- (4) Subsections (5) to (7) below apply where any rights or liabilities under a contract of employment are transferred by virtue of this Act.
- (5) Anything done by or in relation to the former highway authority in respect of the employee before the day on which the transfer of the rights and liabilities takes effect shall be treated on and after that day as done by or in relation to the new highway authority.
- (6) For the purposes of Part XI of the Employment Rights Act 1996 (redundancy payments etc) the employee shall not be regarded as having been dismissed by virtue of the transfer.
- (7) For the purposes of that Act, the employee’s period of employment with the former highway authority shall count as a period of employment with the new highway authority, and the change of employment shall not break the continuity of the period of employment.
- (8) An order under this section shall be of no effect unless—
 - (a) it is made with the consent of the relevant highway authority; or
 - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (9) For the purposes of subsection (8) above, the relevant highway authority is—
 - (a) in a case where the order under section 14B above directs that a highway or proposed highway shall become a GLA road, the former highway authority; and
 - (b) in a case where the order directs that a GLA road shall cease to be such a road, the new highway authority.
- (10) Section 266A(9) above also applies for the purposes of this section.”

*London borough councils***266 Exercise of powers so as to affect another authority's roads**

After section 301 of the Highways Act 1980 there shall be inserted—

“London borough council affecting roads of another authority

301A London borough council exercising powers so as to affect another authority's roads

- (1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—
 - (a) a GLA road, or
 - (b) a road in another London borough,
 unless the requirements of subsections (2) and (3) below have been satisfied.
- (2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—
 - (a) to Transport for London; and
 - (b) in a case where the road concerned is in another London borough, to the council for that borough.
- (3) The second requirement is that—
 - (a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or
 - (b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or
 - (c) any objection made by Transport for London or the council has been withdrawn; or
 - (d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.
- (4) Before deciding whether to give any consent for the purposes of subsection (3) (d) above, the Greater London Authority may cause a public inquiry to be held.
- (5) If Transport for London has reason to believe—
 - (a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and
 - (b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,

Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.

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- (6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.
- (8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.
- (9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.
- (10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—
 - (a) all or any of the London borough councils;
 - (b) all or any of the GLA roads;
 - (c) all or any of the roads which are neither GLA roads nor trunk roads;
 - (d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.
- (11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.
- (12) Any reference in this section to a GLA road includes a reference to a GLA side road, within the meaning of the Road Traffic Regulation Act 1984 (see sections 124A(9) and 142(1) of that Act).
- (13) In this section “road” means any length of highway or of any other road to which the public has access and includes bridges over which a road passes.
- (14) Subsection (13) above is without prejudice to the construction of references to GLA roads or GLA side roads.
- (15) The functions of the Greater London Authority under this section shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (16) For the purposes of this section—
 - (a) the City of London shall be treated as if it were a London borough;
 - (b) the Common Council shall be treated as if it were the council for a London borough; and
 - (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

Miscellaneous and supplementary

267 Proposals for Royal Parks and highways: consultation

After section 301A of the Highways Act 1980 there shall be inserted—

“301B Royal Parks or highways in London affected by proposals relating to the other

- (1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted the highway authority for the highway about the exercise of those functions in that way.
- (2) A highway authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.
- (3) The duty imposed by subsection (1) or (2) above shall not apply if it would not be reasonably practicable for the Secretary of State or, as the case may be, the highway authority to consult the other before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State or, as the case may be, the highway authority shall inform the other that those functions have been so exercised.
- (4) In this section “Royal Park” means any park to which the Parks Regulation Act 1872 applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926).”

268 Road humps

- (1) The Highways Act 1980 shall be amended as follows.
- (2) In section 90A(1) (construction of road humps by highway authority) at the end of paragraph (b) there shall be inserted “or
 - (c) (whether or not the highway is subject to such a limit) the road humps fall within section 90CA below.”
- (3) After section 90C there shall be inserted—

“90CA Special procedure for certain road humps in London

- (1) A road hump falls within this section if—
 - (a) it is constructed by a local highway authority in Greater London, and
 - (b) the requirements of subsections (2) and (3) below have been complied with.
- (2) The requirement of this subsection is that before starting to construct the road hump the authority concerned gives the Secretary of State notice stating—
 - (a) the nature, dimensions and location of the proposed road hump,
 - (b) the spacing between the proposed road hump and any other humps constructed, or proposed to be constructed, in the vicinity,
 - (c) the type and description of signs which are proposed to be located in the highway in connection with the proposed hump,
 - (d) the statutory speed limit for motor vehicles to which the highway where it is proposed to construct the hump is subject, and

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- (e) the period (of not less than one month) within which, and the address to which, the Secretary of State may send any comments on the proposal to the authority.
- (3) The requirement of this subsection is that in deciding—
 - (a) whether to proceed with the construction of the road hump, and
 - (b) what the nature, dimensions and location of the road hump as constructed are to be,the authority concerned has regard to any comments made by the Secretary of State within the period stated in the notice.”
- (4) After section 90D(4) there shall be inserted—
 - “(5) Regulations under this section do not apply where a road hump falls within section 90CA above.”
- (5) In section 90E(1) for the words from “Where” to “satisfied” there shall be substituted “Where the requirements of subsections (1A), (1B) or (1C) are satisfied in relation to a road hump”.
- (6) After section 90E(1) there shall be inserted—
 - “(1A) The requirements of this subsection are that—
 - (a) regulations under section 90D above apply to the road hump,
 - (b) the road hump conforms to the regulations, and
 - (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.
 - (1B) The requirements of this subsection are that—
 - (a) the road hump is specially authorised by the Secretary of State,
 - (b) the road hump conforms with the conditions attached to the authorisation, and
 - (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.
 - (1C) The requirements of this subsection are that—
 - (a) the road hump falls within section 90CA, and
 - (b) if the road hump is in a highway maintainable at the public expense, the condition mentioned in subsection (2)(a) below is satisfied.”
- (7) Section 90E(3) shall be omitted.

269 Traffic calming

- (1) The Highways Act 1980 shall be amended as follows.
- (2) In section 90G(1) (powers to carry out traffic calming works) at the end of paragraph (b) there shall be inserted “or
 - (c) fall within section 90GA below,”.
- (3) In section 90G(2) for “subsection (1)” there shall be inserted “subsection (1)(a) or (b)”.
- (4) After section 90G there shall be inserted—

“90GA Special procedure for certain traffic calming works in London

- (1) Traffic calming works fall within this section if—
- (a) the works are constructed by a local highway authority in Greater London, and
 - (b) the requirements of subsection (2) and (3) below have been complied with.
- (2) The requirement of this subsection is that before starting to construct the works the authority concerned gives the Secretary of State notice stating—
- (a) the nature, dimensions and location of the proposed works,
 - (b) the type and description of signs which are proposed to be located in the highway in connection with the proposed hump, and
 - (c) the period (of not less than one month) within which, and the address to which, the Secretary of State may send any comments on the proposal to the authority.
- (3) The requirement of this subsection is that in deciding—
- (a) whether to proceed with the construction of the works, and
 - (b) what the nature, dimensions and location of the works as constructed are to be,
- the authority concerned has regard to any comments made by the Secretary of State within the period stated in the notice.”
- (5) In section 90I for the words from “Works” to “authorisation” there shall be substituted—
- “(1) Works (whenever constructed) to which this subsection applies”.
- (6) At the end of section 90I there shall be inserted—
- “(2) Subsection (1) above applies—
- (a) to works of a description prescribed by regulations under section 90H above or specially authorised under section 90G above which conform to any requirements imposed by the regulations or authorisation, and
 - (b) to works which fall within section 90GA above.”

270 Stopping up orders by London councils

Schedule 22 to this Act (which contains amendments to the Highways Act 1980 and the Town and Country Planning Act 1990) shall have effect.

CHAPTER XIV

ROAD TRAFFIC

Transport for London as a traffic authority

271 Transport for London to be traffic authority for GLA roads etc

- (1) Section 121A of the Road Traffic Regulation Act 1984 (traffic authorities) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
 - “(1A) Transport for London is the traffic authority for every GLA road.”
- (3) In subsection (2) (London borough council or Common Council to be traffic authority for roads in the borough or the City for which the Secretary of State is not the traffic authority) after “in the City” there shall be inserted “which are not GLA roads and”.

272 GLA side roads

After section 124 of the Road Traffic Regulation Act 1984 there shall be inserted—

“124A GLA side roads

- (1) The Secretary of State may by order designate roads or proposed roads as roads which are to be GLA side roads.
- (2) Any road or proposed road so designated shall become a GLA side road on such date as may be specified in the order.
- (3) A road may only be a GLA side road if it has a junction with—
 - (a) a GLA road; or
 - (b) another road which has a junction with a GLA road.
- (4) A road or proposed road shall not be a GLA side road if it is a trunk road or other highway for which the Secretary of State is the highway authority.
- (5) A road may only be a GLA side road if and to the extent that the appropriate authority considers it appropriate for the road to be a GLA side road in the interests of the management of traffic and the control of the waiting and loading of vehicles on or in the immediate vicinity of GLA roads.
- (6) The Secretary of State may by order make provision for or in connection with applying in relation to GLA side roads, with such modifications as he thinks fit, the provisions of sections 14B and 14C of the Highways Act 1980 (orders changing what are GLA roads and certification and records of GLA roads).
- (7) The provision that may be made under subsection (6) above is subject to subsections (3) to (5) above.
- (8) In this section “the appropriate authority” means—
 - (a) in relation to an order under subsection (1) above, the Secretary of State;

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- (b) in relation to an order made by the Greater London Authority under section 14B of the Highways Act 1980, as applied under subsection (6) above, the Mayor of London; and
 - (c) in relation to confirmation of such an order by the Secretary of State under that section as so applied, the Secretary of State.
- (9) Any reference in any provision of this Act or any other enactment to a GLA side road shall be construed as a reference to a road in Greater London which is for the time being a GLA side road by virtue of—
- (a) an order made by the Secretary of State under subsection (1) above; or
 - (b) an order made by the Greater London Authority under section 14B of the Highways Act 1980, as applied by an order under subsection (6) above.
- (10) Any functions conferred or imposed on the Greater London Authority in relation to GLA side roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (11) Subsection (10) above does not apply in relation to any functions expressly conferred on the London Assembly.
- (12) Any power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

273 Power to place traffic signs in connection with GLA roads etc

- (1) Section 73 of the Road Traffic Regulation Act 1984 (powers and duties of local traffic authorities in Greater London in respect of traffic signs) shall be amended as follows.
- (2) In subsection (1) (power to fix traffic signs to lamp-posts etc in connection with orders under section 6 or 9)—
- (a) after “proposed by them,” there shall be inserted “Transport for London,”;
 - (b) the words “in their area” shall be omitted; and
 - (c) after “whether or not belonging to” there shall be inserted “Transport for London or”.
- (3) After subsection (1) there shall be inserted—
- “(1A) In connection with any GLA road, Transport for London may—
- (a) exercise, as respects any road in Greater London which is neither a trunk road nor a GLA road, any powers exercisable by the traffic authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 65 of this Act; and
 - (b) affix any such sign to any lamp-post or other structure in the highway, whether or not belonging to Transport for London.
- (1B) The power conferred by subsection (1A) above shall be exercisable—
- (a) in connection with any order under section 6 or 9 of this Act made or proposed to be made by Transport for London; or
 - (b) in any other circumstances.

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- (1C) Before exercising the power conferred by subsection (1A) above, Transport for London shall consult the traffic authority for the road on or near which Transport for London proposes to place the traffic sign.”
- (4) In subsection (2) (duty of London borough council and Common Council as to maintenance, alteration and removal of traffic signs in their area)—
- (a) for “their area” there shall be substituted “Greater London”; and
 - (b) for “the council of a London borough and of the Common Council of the City of London” there shall be substituted “the appropriate traffic authority”.
- (5) After subsection (2) there shall be inserted—
- “(2A) For the purposes of subsection (2) above, “the appropriate traffic authority”, in the case of any traffic sign, is the authority which is the traffic authority for the road as respects which the order under section 6 or 9 of this Act is made in connection with which the traffic sign is required.”
- (6) At the end of the section there shall be inserted—
- “(6) The powers of Transport for London exercisable under subsection (1A) above by virtue of subsection (1B)(b) above shall extend to the removal or repositioning of any traffic sign on or near the road in question, whether placed by Transport for London or not.
- (7) On the removal or repositioning by Transport for London of any such traffic sign placed by another authority, the traffic sign shall vest in Transport for London.
- (8) Except—
- (a) with the consent of Transport for London, or
 - (b) in pursuance of a direction under section 65(2) of this Act,
- the traffic authority for a road shall not remove, alter or in any way interfere with any traffic sign placed or repositioned on or near the road by Transport for London by virtue of subsection (1B)(b) above.”
- (7) In consequence of the provisions of this section, the sidenote to the section becomes “Powers and duties of local traffic authorities in Greater London in respect of traffic signs.”

274 Power to affix traffic signs to walls

- (1) Section 74 of the Road Traffic Regulation Act 1984 (affixing of signs to walls) shall be amended as follows.
- (2) In subsection (1) (which confers the power)—
- (a) before “the council of a London borough” there shall be inserted “Transport for London and”; and
 - (b) after “shall” there shall be inserted “each”.
- (3) After subsection (1) there shall be inserted—
- “(1A) Subsections (2) to (7) below shall apply in relation to Transport for London as they apply in relation to a London borough council.”

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- (4) In subsection (8) (no derogation from certain other powers) after “the powers of” there shall be inserted “Transport for London or”.

Traffic control systems

275 Transfer of London Traffic Control System to Transport for London

- (1) So far as relating to—
- (a) GLA roads, and
 - (b) roads in Greater London which are neither GLA roads nor trunk roads,
- the functions transferred to the Secretary of State by orders under paragraph 10 of Schedule 5 to the Local Government Act 1985 are transferred to Transport for London by this subsection.
- (2) The functions referred to in subsection (1) above are the functions conferred by sections 65, 73, 74 and 75 of the Road Traffic Regulation Act 1984 in respect of traffic signs which are traffic light signals controlling the movement of any class of road traffic (including pedestrians).
- (3) Any expenses reasonably incurred by or on behalf of Transport for London in the exercise, in relation to roads which are not GLA roads, of the functions transferred by this section may be recovered by Transport for London from the London borough councils and the Common Council in such proportions as may be agreed between Transport for London and those authorities or, in default of agreement, as may be determined by Transport for London.
- (4) Any reference in this section to a GLA road includes a reference to a GLA side road.

276 London borough councils and the London traffic control system

After section 74 of the Road Traffic Regulation Act 1984 there shall be inserted—

“74A London borough councils and the London traffic control system

- (1) If a London borough council requests Transport for London to provide any new traffic light installations for a road in Greater London which is neither a GLA road nor a trunk road, Transport for London shall approve and carry out the work unless it considers that there are reasonable grounds for refusing to do so.
- (2) If Transport for London and a London borough council so agree, Transport for London may make a scheme transferring to the council—
 - (a) any part of the London traffic control system, and
 - (b) the power to maintain and operate that part of the system.
- (3) The council for a London borough may, with the approval of Transport for London, buy, own, maintain and operate new traffic light installations for any road in the borough other than a trunk road.
- (4) Where the powers conferred by subsection (2) or (3) above are exercised, the London borough council concerned shall, as respects the traffic signs comprised in—

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- (a) the part of the London traffic control system transferred by the scheme under subsection (2) above, or
 - (b) the traffic light installations referred to in subsection (3) above,
- be treated (to the exclusion of Transport for London) as the traffic authority for all roads in Greater London (other than trunk roads) on or near which those traffic signs are placed.
- (5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between Transport for London and the council concerned.
- (6) Before Transport for London—
- (a) changes the operating cycle, or the timing of the operating cycle, of any traffic light installations provided on a road in Greater London which is neither a GLA road nor a trunk road, or
 - (b) provides new traffic light installations for such a road,
- Transport for London shall consult the council of the London borough in which the installations are or are to be provided.
- (7) In this section—
- “the London traffic control system” means the traffic control system which Transport for London has power to operate by virtue of the functions transferred to it—
- (a) by section 275 of the Greater London Authority Act 1999; or
 - (b) by a scheme under subsection (1) or (3) of section 74B of this Act transferring functions of the Secretary of State to Transport for London;
- “traffic control system” means a system for controlling the movement of vehicular traffic or of pedestrians by means of traffic light installations;
- “traffic light installations” means—
- (a) traffic signs which are light signals for controlling the movement of vehicular traffic or of pedestrians; or
 - (b) any installations or apparatus used in connection with the operation of any such traffic signs.
- (8) For the purposes of this section—
- (a) the City of London shall be treated as if it were a London borough;
 - (b) the Common Council shall be treated as if it were the council for a London borough; and
 - (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

277 **Transfer of traffic control systems between Secretary of State and Transport for London**

After section 74A of the Road Traffic Regulation Act 1984 there shall be inserted—

Status: This is the original version (as it was originally enacted).

“74B Transfer of traffic control systems between Secretary of State and Transport for London

- (1) If the Secretary of State and Transport for London so agree, the Secretary of State may make a scheme transferring to Transport for London—
 - (a) the traffic control system for a trunk road in Greater London; and
 - (b) the power to maintain and operate that system.
- (2) If Transport for London and the Secretary of State so agree, Transport for London may make a scheme transferring to the Secretary of State—
 - (a) the London traffic control system; and
 - (b) the power to maintain and operate that system.
- (3) If, in a case where a traffic control system has been transferred under this section, the transferee and the transferor so agree, the transferee may make a scheme transferring back to the transferor the system and the power to maintain and operate it.
- (4) A scheme under subsection (1), (2) or (3) above may make provision for the transferee to be treated (to the exclusion of the transferor), as respects the traffic signs comprised in the traffic control system transferred, as the traffic authority for specified roads in Greater London on or near which those traffic signs are placed.
- (5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between the Secretary of State and Transport for London.
- (6) Any reference in this section to a traffic control system includes a reference to part of a traffic control system.
- (7) Expressions used in this section and in section 74A above have the same meaning in this section as they have in that section.”

278 Traffic authority for certain traffic signs in Greater London

After section 74B of the Road Traffic Regulation Act 1984 there shall be inserted—

“74C The traffic authority for traffic signs

- (1) This section has effect for the purposes of sections 65, 73, 74, 74A, 74B and 75 of this Act.
- (2) In the application of those provisions to traffic signs in Greater London which are light signals for controlling the movement of vehicular traffic or of pedestrians, Transport for London shall at all times be deemed to be the traffic authority for all roads in Greater London other than trunk roads.
- (3) Without prejudice to the powers of the traffic authority for the road in question, Transport for London shall also be deemed to be the traffic authority for any road in Greater London for which they are not in fact the traffic authority for the purposes of the exercise by them as respects that road under section 73(1A) above of any powers exercisable by the traffic authority for that road.

- (4) Subsections (2) and (3) above are subject to any provision to the contrary made by or under section 74A or 74B of this Act.”

Road safety and traffic reduction

279 Road safety information and training

- (1) Section 39 of the Road Traffic Act 1988 (powers of Secretary of State and local authorities as to giving road safety information and training) shall be amended as follows.
- (2) For subsection (2) (duty of local authority to prepare and carry out measures to promote road safety etc) there shall be substituted—
- “(2) Each relevant authority—
- (a) if it is a local authority, must prepare and carry out a programme of measures designed to promote road safety, or
- (b) if it is Transport for London, may prepare and carry out such a programme,
- and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies.”
- (3) In subsection (3) (duty of local authority to carry out and act upon studies into accidents arising out of the use of vehicles on roads in their area, other than trunk roads) for the words preceding paragraph (a) there shall be substituted “Each relevant authority—”.
- (4) In paragraph (a) of that subsection (the duty to carry out the studies)—
- (a) after “use of vehicles” there shall be inserted—
- “(i) if it is a local authority,”;
- (b) after “other than” there shall be inserted “GLA roads or”; and
- (c) at the end there shall be added “or
- (ii) if it is Transport for London, on GLA roads or parts of GLA roads,”.
- (5) After subsection (3) there shall be inserted—
- “(3A) The duties imposed by subsection (3) above are without prejudice to the generality of subsection (2) above and—
- (a) in the case of a local authority, are to be discharged in pursuance of their duty under subsection (2)(a) above; and
- (b) in the case of Transport for London, are to be discharged by exercising their powers under subsection (2)(b) above.”
- (6) In subsection (4) (definitions) the following definitions shall be inserted at the appropriate places—
- ““GLA road” has the same meaning as in the Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;
- “relevant authority” means a local authority or Transport for London.

280 The Road Traffic Reduction Act 1997

- (1) In section 1 of the Road Traffic Reduction Act 1997 (interpretation) the following definitions shall be inserted at the appropriate places—

““local implementation plan”, in relation to a London council, means the plan prepared by the council under section 145 of the Greater London Authority Act 1999;”

““London council” means a London borough council or the Common Council of the City of London;”

““the Mayor of London’s transport strategy” means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999.”

- (2) Section 2 of that Act (duty of principal councils to make reports) shall be amended as follows.

- (3) In subsection (3) (information or proposals which relate to levels of local road traffic and are required by guidance under subsection (6)) in paragraph (b), after “guidance under subsection (6)” there shall be inserted “or (in the case of a report prepared by a London council) directions under subsection (6A)”.

- (4) After subsection (4), there shall be inserted—

“(4A) A report under this section prepared by a London council must take account of the Mayor of London’s transport strategy and the council’s local implementation plan; and—

- (a) any targets specified in such a report pursuant to subsection (2), and
- (b) any proposals contained in such a report pursuant to subsection (3), must be in conformity with that strategy and that plan.”

- (5) After subsection (6) there shall be inserted—

“(6A) The Mayor of London may give directions or issue guidance to London councils in relation to any matter in relation to which the Secretary of State may issue guidance under subsection (6).

(6B) The Mayor of London must not give any direction or issue any guidance under subsection (6A) which conflicts with guidance under subsection (6).

(6C) A London council preparing a report under this section—

- (a) shall comply with any directions given under subsection (6A), and
- (b) shall have regard to any guidance issued under that subsection.”

- (6) In subsection (7)(a) (report to be sent to the Secretary of State) after “Secretary of State” there shall be inserted “and, if the council is a London council, send a copy of the report to the Mayor of London”.

*Parking***281 Designation of paying parking places on highways**

- (1) Section 45 of the Road Traffic Regulation Act 1984 (designation of paying parking places on highways) shall be amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1), in the second paragraph (which requires a local authority outside Greater London which is not the traffic authority to obtain the consent of the traffic authority to any designation) the words “outside Greater London” shall cease to have effect.
- (3) After subsection (1) there shall be inserted—
- “(1A) Transport for London may not by virtue of subsection (1) above designate parking places on any highway which is not a GLA road.”
- (4) In subsection (7), in the definition of “local authority”, at the end of paragraph (a) there shall be added “or Transport for London”.
- (5) In subsection (7), in the definition of “the local authority”, after the words “in whose area the site is” there shall be added “unless the site is in Greater London, in which case—
- (i) if the site is on a GLA road and the parking place is, or is proposed to be, designated by Transport for London, “the local authority” means Transport for London;
 - (ii) if the site is on a GLA road and the parking place is, or is proposed to be, designated by the London local authority in whose area the site is, “the local authority” means that London local authority; and
 - (iii) if the site is on a highway which is not a GLA road, “the local authority” means the London local authority in whose area the site is.”
- (6) After subsection (7) there shall be added—
- “(8) In this section “London local authority” means the council of a London borough or the Common Council of the City of London.
- (9) For the purposes of this section and sections 46 to 55 of this Act, Transport for London’s area shall be taken to be Greater London.”

282 Financial provisions relating to parking places on the highway

- (1) Section 55 of the Road Traffic Regulation Act 1984 (financial provisions relating to designation orders) shall be amended as follows.
- (2) In subsection (1)(a) (accounts in respect of parking places on the highway in the case of London borough councils and the Common Council) after “in the case of” there shall be inserted “Transport for London,”.
- (3) In subsection (3A) (London borough councils and Common Council to report to Secretary of State on action taken with respect to deficit or surplus on their parking account)—
- (a) at the beginning there shall be inserted “Transport for London,”; and
 - (b) for “Secretary of State” there shall be substituted “Mayor of London”.
- (4) In subsection (4) (purposes for which a surplus on a local authority’s parking account may be applied) the word “and” immediately preceding paragraph (d) shall be omitted and after that paragraph there shall be added—
- “(e) in the case of a London authority, meeting all or any part of the cost of the doing by the authority in their area of anything—

Status: This is the original version (as it was originally enacted).

- (i) which facilitates the implementation of the London transport strategy, and
 - (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph;
- (f) in the case of a London authority, the making to any other London authority of contributions towards the cost of the doing by that other authority of anything towards the doing of which in its own area the authority making the contribution has power—
- (i) to apply any surplus on the account required to be kept under subsection (1) above; or
 - (ii) to incur expenditure required to be brought into that account.”
- (5) At the end of the section there shall be added—
- “(8) For the purpose of enabling Transport for London and any other London authorities to discharge jointly any functions conferred by virtue of subsection (4)(f) above by a joint committee established under section 101(5) of the Local Government Act 1972, sections 101(5) and 102 of that Act shall have effect as if Transport for London were a local authority.
- (9) In the application of this section in relation to Transport for London, any reference to its general fund shall be taken as a reference to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question.
- (10) In this section—
- “London authority” means Transport for London, a London borough council or the Common Council of the City of London;
- “the London transport strategy” means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999.”

283 Appointment of parking adjudicators by joint committee

- (1) Section 73 of the Road Traffic Act 1991 (appointment of parking adjudicators by joint committee of London authorities) shall be amended as follows.
- (2) For subsection (1) (London authorities to establish a joint committee within two months of issue of first guidance under section 63 of that Act) there shall be substituted—
- “(1) The London local authorities and Transport for London (in this section referred to as “the appointing authorities”) shall establish a single joint committee under section 101(5) of the Local Government Act 1972 (“the Joint Committee”) before 4th September 2000 or such later date as the Secretary of State may by order specify.
- (1A) For the purposes of subsection (1) above, sections 101(5) and 102 of the Local Government Act 1972 shall have effect as if Transport for London were a local authority.”

- (3) In subsection (2) (functions of London authorities under sections 73 and 74 to be exercised by the Joint Committee) the words “and section 74 of this Act” shall cease to have effect.
- (4) For the words “London authorities”, wherever occurring, there shall be substituted “appointing authorities”.

284 Fixing of certain parking and other charges

For section 74 of the Road Traffic Act 1991 (fixing of certain parking and other charges for London) there shall be substituted—

“74 Fixing of certain parking and other charges for London

- (1) It shall be the duty—
 - (a) of Transport for London, so far as relating to trunk roads or GLA roads, and
 - (b) of the London local authorities, so far as relating to other roads, to set the levels of additional parking charges to apply in London.
- (2) Before setting the level of any charges under subsection (1) above, Transport for London must consult the London local authorities.
- (3) Different levels may be set for different areas in London and for different cases or classes of case.
- (4) Transport for London and the London local authorities shall submit to the Mayor of London, for his approval, the levels of additional parking charges which they propose to set under subsection (1) above.
- (5) If—
 - (a) Transport for London or, as the case may be, the London local authorities fail to discharge their duty under subsection (1) above; or
 - (b) the Mayor of London does not approve the levels of additional parking charges proposed by the London local authorities,the levels of additional parking charges for the roads referred to in paragraph (a) or (as the case may be) paragraph (b) of subsection (1) above shall be set by order made by the Mayor of London.
- (6) Levels of additional parking charges set in accordance with this section may only come into force in accordance with section 74A below.
- (7) It shall be the duty of Transport for London and the London local authorities to impose additional parking charges at the levels set in accordance with the provisions of this section.
- (8) Transport for London and the London local authorities shall publish, in such manner as the Mayor of London may determine, the levels of additional parking charges which have been set in accordance with the provisions of this section.
- (9) The functions conferred on London local authorities by this section or section 74A below shall be discharged by the Joint Committee.

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- (10) No person who represents Transport for London on the Joint Committee shall take any part in any proceedings of the Joint Committee so far as relating to the discharge by the Joint Committee of any functions under this section or section 74A below.
- (11) Section 122 of the Road Traffic Regulation Act 1984 (exercise of functions by local authorities) shall apply in relation to—
- (a) Transport for London,
 - (b) the London local authorities, and
 - (c) the Mayor of London,
- and functions conferred on them by or under this section as it applies to local authorities and functions conferred on them by or under that Act.
- (12) In this section “additional parking charges” means—
- (a) penalty charges;
 - (b) charges made by London authorities for the removal, storage and disposal of vehicles; and
 - (c) charges in respect of the release of vehicles from immobilisation devices fixed under section 69 above.

74A Additional parking charges: reserve powers of Secretary of State

- (1) Where the Mayor of London—
- (a) on a submission under subsection (4) of section 74 above, approves any levels of additional parking charges, or
 - (b) sets any such levels under subsection (5) of that section,
- he shall notify the Secretary of State of the levels of charges so approved or set.
- (2) Where notification of any levels of charges is required to be given under subsection (1) above, the levels of charges shall not come into force until after the expiration of—
- (a) the period of one month beginning with the day on which the notification is given, or
 - (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiration of that period, the Secretary of State gives notice to the Mayor of London that he objects to the levels of charges on the grounds that some or all of them are or may be excessive, those levels of charges shall not come into force unless and until the objection has been withdrawn.
- (4) If, at any time before the levels of charges required to be notified under subsection (1) above to the Secretary of State have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of charges.
- (5) Levels of charges set under subsection (4) above must be no higher than those notified under subsection (1) above.
- (6) Subsections (7) and (8) of section 74 above shall apply in relation to levels of charges set under subsection (4) above as if those levels of charges had been set in accordance with the provisions of that section—

- (a) by Transport for London, so far as relating to GLA roads or trunk roads, or
 - (b) by the London local authorities, so far as relating to other roads.
- (7) Regulations under subsection (4) above are without prejudice to the duties imposed on Transport for London and the London local authorities by section 74(1) above; but where the Secretary of State makes any such regulations—
- (a) Transport for London, if the regulations relate to GLA roads or trunk roads, or
 - (b) the London local authorities, if the regulations relate to other roads,
- must not make any further submission to the Mayor of London under section 74(4) above until after the expiration of the period of twelve months beginning with the day on which the regulations are made.”

285 Special parking areas

- (1) Section 76 of the Road Traffic Act 1991 (special parking areas) shall be amended as follows.
- (2) After subsection (1) (applications by London authorities for orders designating special parking areas) there shall be inserted—
 - “(1A) An application for an order under subsection (1) above may only be made—
 - (a) by Transport for London, to the extent that the special parking area is to consist of GLA roads or trunk roads; or
 - (b) by a London local authority, to the extent that the special parking area is to consist of roads other than GLA roads and trunk roads.”
- (3) The amendment made by this section does not affect the continuing validity of any order, or any application for an order, made before the coming into force of this section.

286 Variation of special parking areas by the Mayor

After section 76 of the Road Traffic Act 1991 (special parking areas) there shall be inserted—

“76A Variation of special parking areas by Mayor of London

- (1) At any time when an order under section 76 above designating the whole or any part of a London authority’s area as a special parking area is in force, the Mayor of London may by order under this subsection amend the order so as to vary the area which for the time being constitutes the special parking area.
- (2) No order may be made under subsection (1) above without the consent of every London local authority which is the traffic authority for a road which the order has the effect of bringing within, or removing from, the special parking area concerned.
- (3) An order under subsection (1) above must not be such as to bring within a special parking area—
 - (a) any area specified in an order under this paragraph made by the Secretary of State; or

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(b) the whole or any part of a Royal Park, except with the consent of the Secretary of State.

(4) No area may be specified in an order under subsection (3)(a) above unless the Secretary of State is satisfied that it is expedient, on grounds of national security, that no part of that area should be included in a special parking area.

(5) In this section “Royal Park” means any park to which the Parks Regulation Act 1872 applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926).”

287 Interpretation of parking provisions

(1) Section 82 of the Road Traffic Act 1991 (interpretation of Part II) shall be amended as follows.

(2) In subsection (1), for the definition of “London authority” there shall be substituted—

““London authority” means—

(a) as respects parking, or any matter connected with or relating to parking, on a GLA road, Transport for London;

(b) as respects parking, or any matter connected with or relating to parking, on any road other than a GLA road or a trunk road, any council of a London borough or the Common Council of the City of London;”.

(3) In subsection (1), the following definitions shall be inserted at the appropriate places—

““GLA road” (subject to subsection (1C) below) has the same meaning as in the Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;

““GLA side road” has the same meaning as in the Road Traffic Regulation Act 1984 (see sections 124A(9) and section 142(1) of that Act);”;

““London local authority” means any council of a London borough or the Common Council of the City of London;”;

““the Mayor’s transport strategy” means the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999;”;

““Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;”.

(4) After subsection (1) there shall be inserted—

“(1A) Any functions conferred or imposed on the Greater London Authority by or under this Part of this Act shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

(1B) Subsection (1A) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.

(1C) In this Part of this Act, any reference to a GLA road includes a reference to a GLA side road.”

- (5) In subsection (6) (power to make orders or regulations to be exercisable by statutory instrument) after “conferred by this Part” there shall be inserted “on a Minister of the Crown”.

School crossing patrols, parking attendants and traffic wardens

288 School crossing patrols

- (1) Section 26 of the Road Traffic Regulation Act 1984 (arrangements for patrolling school crossings) shall be amended as follows.
- (2) In subsection (2) (definition of the appropriate authority)—
- (a) in paragraph (a) (places not in the metropolitan police district or the City) for “not in the metropolitan police district and not in the City of London” there shall be substituted “outside Greater London”; and
 - (b) for paragraph (c) (places in the metropolitan police district) there shall be substituted—
 - “(c) as respects places in a London borough, shall be the council for the borough,”.
- (3) In subsection (4) (duty of certain authorities to have regard to representations made by other local authorities in their area) in paragraph (a)—
- (a) the words “and the commissioner of police of the metropolis”, “or him” and “or metropolitan police district” shall cease to have effect; and
 - (b) after “in the county” there shall be inserted “or”.
- (4) After subsection (4) there shall be inserted—
- “(4A) Before making arrangements under subsection (1) above for the patrolling of places where children cross GLA roads, a London borough council or the Common Council of the City of London must consult Transport for London and take account of any representations made by Transport for London.”
- (5) In subsection (5) (agreements between council of a county etc and the police authority) —
- (a) after “council of the county” there shall be inserted “, London borough”; and
 - (b) after “in the county” there shall be inserted “, London borough”.
- (6) In consequence of the preceding provisions of this section, section 27 of the Road Traffic Regulation Act 1984 (expenses under section 26 in metropolitan police district) shall cease to have effect.

289 Parking attendants

- (1) Section 63A of the Road Traffic Regulation Act 1984 (parking attendants) shall be amended as follows.
- (2) In subsection (4) (parking attendants in Greater London to wear uniform prescribed by Secretary of State when exercising prescribed functions) for “Secretary of State” there shall be substituted “Greater London Authority”.
- (3) In subsection (5) (definition of “local authority” etc) at the end there shall be added “except that Transport for London shall also be a local authority”.

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(4) After subsection (5), there shall be inserted—

“(6) For the purposes of this section, the area of Transport for London is Greater London.”

290 Exercise by traffic wardens of functions of parking attendants

(1) Section 95 of the Road Traffic Regulation Act 1984 (appointment of traffic wardens) shall be amended as follows.

(2) After subsection (4) (which confers power to employ traffic wardens to act as parking attendants at certain street parking places) there shall be inserted—

“(4A) For the purposes of subsection (4) above, Transport for London is a local authority.”

Miscellaneous and supplementary provisions

291 London borough council affecting another authority’s roads

After section 121A of the Road Traffic Regulation Act 1984 there shall be inserted—

“121B London borough council exercising powers so as to affect another traffic authority’s roads

(1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—

- (a) a GLA road, or
- (b) a road in another London borough,

unless the requirements of subsections (2) and (3) below have been satisfied.

(2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—

- (a) to Transport for London; and
- (b) in a case where the road concerned is in another London borough, to the council for that borough.

(3) The second requirement is that—

- (a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or
- (b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or
- (c) any objection made by Transport for London or the council has been withdrawn; or
- (d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.

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- (4) Before deciding whether to give any consent for the purposes of subsection (3) (d) above, the Greater London Authority may cause a public inquiry to be held.
- (5) If Transport for London has reason to believe—
 - (a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and
 - (b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.
- (6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.
- (8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.
- (9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.
- (10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—
 - (a) all or any of the London borough councils;
 - (b) all or any of the GLA roads;
 - (c) all or any of the roads which are neither GLA roads nor trunk roads;
 - (d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.
- (11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.
- (12) For the purposes of this section—
 - (a) the City of London shall be treated as if it were a London borough;
 - (b) the Common Council shall be treated as if it were the council for a London borough; and
 - (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

292 Interpretation of the Road Traffic Regulation Act 1984

- (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) After section 121B there shall be inserted—

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“121C Functions of GLA under this Act to be exercisable by the Mayor

- (1) The functions of the Greater London Authority under this Act shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (2) Subsection (1) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.”
- (3) In section 142 (general interpretation) the following definitions shall be inserted at the appropriate places in subsection (1)—
 - ““GLA road” (subject to subsection (4) below) has the same meaning as in the Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;
 - ““GLA side road” shall be construed in accordance with section 124A(9) of this Act;”;
 - ““trunk road” has the same meaning as in the Highways Act 1980 (see section 329(1) of that Act)”.
- (4) At the end of section 142 there shall be added—
 - “(4) Any reference in this Act to a GLA road includes a reference to a GLA side road.”

293 Proposals for Royal Parks and highways: consultation

After section 132 of the Road Traffic Regulation Act 1984 there shall be inserted—

“132AA Royal Parks or highways in London affected by proposals relating to the other

- (1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted—
 - (a) the traffic authority for the highway, and
 - (b) Transport for London,
 about the exercise of those functions in that way.
- (2) The duty imposed by subsection (1) above shall not apply if it would not be reasonably practicable for the Secretary of State to consult the traffic authority or Transport for London before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State shall inform the traffic authority and Transport for London that those functions have been so exercised.
- (3) A traffic authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.
- (4) The duty imposed by subsection (3) above shall not apply if it would not be reasonably practicable for the traffic authority to consult the Secretary of State before exercising functions; but, in such a case, as soon as practicable after so

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exercising functions the highway authority shall inform the Secretary of State that those functions have been so exercised.

(5) In this section “Royal Park” means any park to which the Parks Regulation Act 1872 applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926).”

294 Repeal of certain enactments

- (1) The following enactments shall cease to have effect—
 - (a) sections 12, 13 and 76 of the Road Traffic Regulation Act 1984 (experimental traffic schemes carried out in Greater London by the police);
 - (b) paragraph 53 of Schedule 4 to the Local Government Act 1985 (which relates to the abolition of metropolitan roads and is spent);
 - (c) Part II of Schedule 5 to the Local Government Act 1985 (supplementary provisions relating to road traffic) so far as relating to Greater London;
 - (d) sections 50 to 63 and 80 of, and Schedule 5 to, the Road Traffic Act 1991 (priority routes, local plans, trunk road plans and the Traffic Director for London).
- (2) Any guidance given by the Secretary of State under any of the provisions of the Local Government Act 1985 or the Road Traffic Act 1991 mentioned in subsection (1) above shall, until such time as it is superseded by the transport strategy, continue in force and have effect as if it were part of that strategy (and shall accordingly be subject to revocation or variation by the Mayor).
- (3) So far as relating to roads which are or become GLA roads, the Traffic Director for London’s network plan under section 52 of the Road Traffic Act 1991 shall, until such time as it is superseded by the transport strategy, continue in force and have effect as if it were part of that strategy.
- (4) Any trunk road local plans prepared or in the course of preparation under section 56 of the Road Traffic Act 1991 by the Traffic Director for London shall, until such time as they are superseded by the transport strategy, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as part of that strategy.
- (5) In subsections (6) and (7) below “relevant local plans” means any local plans prepared or in the course of preparation by a London borough council or the Common Council under section 54 of the Road Traffic Act 1991.
- (6) To the extent that they relate to roads which are or become GLA roads, within the meaning of the Highways Act 1980, any relevant local plans shall, until such time as they are superseded by the transport strategy, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as part of that strategy.
- (7) To the extent that they relate to roads other than those mentioned in subsection (6) above, any relevant local plans shall, until such time as they are superseded by local implementation plans under section 145 above, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as local implementation plans under that section.
- (8) Any reference in this section to a GLA road includes a reference to a GLA side road.

CHAPTER XV

NEW CHARGES AND LEVIES

295 Road user charging

- (1) Each of the following bodies, namely—
 - (a) Transport for London,
 - (b) any London borough council, or
 - (c) the Common Council,may establish and operate schemes for imposing charges in respect of the keeping or use of motor vehicles on roads in its area.
- (2) Schedule 23 to this Act (which makes provision supplementing this section) shall have effect.
- (3) For the purposes of this section and that Schedule “motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply for those purposes as it applies for the purposes of the Road Traffic Acts.

296 Workplace parking levy

- (1) Each of the following bodies, namely—
 - (a) Transport for London,
 - (b) any London borough council, or
 - (c) the Common Council,may establish and operate schemes for the licensing of persons providing workplace parking places in Greater London.
- (2) Schedule 24 to this Act (which makes provision supplementing this section) shall have effect.

CHAPTER XVI

TRANSITION FROM LONDON REGIONAL TRANSPORT TO TRANSPORT FOR LONDON

297 Transfers of property, rights and liabilities

- (1) The Secretary of State shall from time to time prepare programmes for the transfer to Transport for London of property, rights and liabilities of London Regional Transport—
 - (a) for the purpose of enabling Transport for London to perform its functions as they become exercisable; or
 - (b) in preparation for the dissolution of London Regional Transport;and in this Chapter “transfer programme” means a programme under this subsection.
- (2) Any powers conferred by Part XII below are exercisable for the purpose of implementing any transfer programme.

- (3) A transfer programme may include plans relating to—
 - (a) the transfer of rights and liabilities under contracts of employment;
 - (b) the provision of pensions, within the meaning of section 411 below;
 - (c) the apportionment of any property, rights or liabilities;
 - (d) the creation of rights or liabilities;
 - (e) the transfer of statutory functions;
 - (f) the exercise of any other powers under Part XII below.
- (4) A transfer programme may provide for different property, rights or liabilities to be transferred on different days.
- (5) To the extent that a transfer programme has not been implemented, it may be varied or replaced by another such programme.

298 Functions during the transitional period

- (1) In this section “transitional purpose” means the purpose of—
 - (a) facilitating the securing and carrying into effect of PPP agreements under Chapter VII above;
 - (b) facilitating the transfer of property, rights or liabilities of London Regional Transport to Transport for London;
 - (c) facilitating the transfer of functions, property, rights or liabilities to Transport for London from any other body or person from whom they are or may be so transferred under or by virtue of this Act;
 - (d) facilitating the exercise by Transport for London of any functions so transferred; or
 - (e) securing that public passenger transport services continue to be provided without disruption.
- (2) London Regional Transport shall be under a duty, and shall be taken at any time before the coming into force of this section to have had power, to do all such things as it considers appropriate for any transitional purpose.
- (3) In discharging their functions during the transitional period it shall be the duty of—
 - (a) the Mayor,
 - (b) London Regional Transport, and
 - (c) Transport for London,to consult and co-operate with each other for any transitional purpose.
- (4) The following provisions of this section have effect for the purpose of facilitating the discharge of the duty of co-operation imposed on London Regional Transport and Transport for London by subsection (3) above.
- (5) London Regional Transport and Transport for London shall each provide to the other such information as may reasonably be required by that other for the purpose of discharging any of its functions during the transitional period.
- (6) London Regional Transport and Transport for London shall each have power to enter into arrangements with the other—
 - (a) for the provision by the one for the other of administrative, technical or professional services or of passenger transport services;

- (b) for the one to make available for use by the other, or for shared use by each of them, any land, equipment or other property;
 - (c) for the one to place any of its officers or other members of staff at the disposal of the other, for the purposes of its functions;
 - (d) for the discharge by the one of any functions of the other on its behalf.
- (7) Arrangements entered into under subsection (6) above may be on such terms as may be agreed between London Regional Transport and Transport for London.
- (8) Arrangements by virtue of paragraph (c) of subsection (6) above may only be entered into after consultation with the officers or members of staff concerned.
- (9) In this Chapter “the transitional period” means the period which—
- (a) begins with the coming into force of this section; and
 - (b) ends on the day on which London Regional Transport ceases to provide or secure the provision of public passenger transport services.

299 Fares etc during the transitional period

- (1) If provision is made under or by virtue of this Act which has the effect of applying to any extent in relation to London Regional Transport during the transitional period—
- (a) the powers conferred on the Mayor by section 155 above, and
 - (b) the duty imposed on the Mayor by section 174 above,
- then the Mayor, in discharging that duty as so applied in relation to London Regional Transport, shall act in a way which he considers will not prejudice the financial or other interests of London Regional Transport, having regard to the financial and other interests of Transport for London.
- (2) If provision is made under or by virtue of this Act which has the effect of—
- (a) applying to any extent in relation to London Regional Transport during the transitional period any of the provisions contained in sections 240 to 243 above or Schedule 16 to this Act, and
 - (b) authorising or requiring Transport for London during the transitional period to act on behalf of London Regional Transport for the purposes of any of those provisions as so applied,
- then Transport for London, in acting on behalf of London Regional Transport for those purposes, shall do so in a way which (having regard to its own financial and other interests) it considers will not prejudice the financial or other interests of London Regional Transport.

300 Continuity: repealed or revoked functions

- (1) In this section—
- “abolished function” means any function of London Regional Transport which was conferred or imposed by a statutory provision which is repealed or revoked by or under this Act;
- “abolition”, in relation to an abolished function, means the coming into force of the repeal or revocation of the provision conferring or imposing the function;
- “statutory provision” means an enactment contained in—

- (a) an Act passed before the date on which London Regional Transport is dissolved or in the Session in which that date falls; or
 - (b) subordinate legislation made before that date or in that Session.
- (2) There may be continued by or in relation to Transport for London anything (including legal proceedings) which relates to an abolished function and is in the process of being done by or in relation to London Regional Transport immediately before the abolition of the function.
- (3) Anything which—
- (a) was made or done by or in relation to London Regional Transport for the purposes of or in connection with an abolished function, and
 - (b) is in effect immediately before the abolition of the function,
- shall have effect as if made or done by or in relation to Transport for London.
- (4) Transport for London shall be substituted for London Regional Transport in any instruments, contracts or legal proceedings which relate to an abolished function and which were made or commenced before the abolition of the function.
- (5) Subsections (2) to (4) above do not apply in relation to an abolished function to the extent that the repeal or revocation of the statutory provision by which the function was conferred or imposed comes into force on terms which provide otherwise.
- (6) Any reference in this section to anything made or done by or in relation to London Regional Transport includes a reference to anything which by virtue of any enactment is treated as having been made or done by or in relation to London Regional Transport.

301 Transfer of former functions of LTE, records and relics

- (1) Any functions of the London Transport Executive established under section 4 of the Transport (London) Act 1969 which, by virtue of section 67(1) of the London Regional Transport Act 1984 are exercisable by London Regional Transport, shall instead be exercisable by Transport for London.
- (2) In section 144 of the Transport Act 1968 (transfer and disposal of historical records and relics) for “London Regional Transport” in each place where it occurs there shall be substituted “Transport for London”.

302 Dissolution of London Regional Transport

When the Secretary of State is satisfied that provision has been made for the transfer of all property, rights and liabilities of London Regional Transport, he may by order provide for the dissolution of London Regional Transport.

303 Interpretation of Chapter XVI

In this Chapter—

“transfer programme” has the meaning given by section 297(1) above;

“the transitional period” has the meaning given by section 298(9) above.