



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IV

#### TRANSPORT

### 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

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- (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 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 [<sup>F1</sup>Integrated Transport Authority for an integrated transport area in England];
  - [<sup>F2</sup>(ca) any combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;]
  - [<sup>F3</sup>(cb) any combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
  - (d) any body corporate whose members are appointed by a Minister of the Crown, a government department, a local authority [<sup>F4</sup>, an Integrated Transport Authority for an integrated transport area in England [<sup>F5</sup>or a combined authority]] [<sup>F5</sup>, combined authority or combined county 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.

[<sup>F6</sup>(2) Expressions used in sub-paragraphs (i) to (iv) of subsection (1)(e) above that are defined for the purposes of the Companies Acts (see section 1174 of, and Schedule 8 to, the Companies Act 2006) have the same meaning in those sub-paragraphs.]

### Textual Amendments

- F1** Words in s. 211(1)(c) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 63\(2\)\(a\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F2** S. 211(1)(ca) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 92\(a\)](#); S.I. 2009/3318, art. 2(c)

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- F3** S. 211(1)(cb) inserted (E.W) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 122\(a\)](#) (with s. 247)
- F4** Words in s. 211(1)(d) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 92\(b\)](#); S.I. 2009/3318, art. 2(c)
- F5** Words in s. 211(1)(d) substituted (E.W) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 122\(b\)](#) (with s. 247)
- F6** S. 211(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 178\(3\)](#) (with art. 10)

## 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.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 334(2A)-(2E) substituted for s. 334(2)-(6) by [2023 c. 55 s. 95\(2\)](#)
- s. 334(9)-(11) inserted by [2023 c. 55 s. 95\(3\)](#)
- s. 337(1A) inserted by [2023 c. 55 s. 96\(1\)\(c\)](#)
- s. 337(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 15](#)
- Sch. 23 para. 1(3A) inserted by [2023 c. 55 s. 244\(2\)](#)
- Sch. 23 para. 3A3B and cross-heading inserted by [2023 c. 55 s. 244\(3\)](#)
- Sch. 23 para. 4(2A)(2B) inserted by [2023 c. 55 s. 244\(4\)](#)
- Sch. 23 para. 4A and cross-heading inserted by [2023 c. 55 s. 244\(6\)](#)