



Greater London Authority Act 1999

1999 CHAPTER 29

PART IV

TRANSPORT

CHAPTER VII

PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

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which are, or are of a description, designated by a relevant body as key system assets in a PPP agreement as originally made; and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.

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- (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.
- (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

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(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 [^{F1}and no power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) may be exercised], 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 ^{M1}Insolvency Act 1986.

Textual Amendments

F1 Words in s. 216(4) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 130](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

C1 S. 216(1)(b) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\), s. 28](#)

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Marginal Citations

M1 1986 c. 45.

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.

Commencement Information

II S. 217 in force at 15.7.2003 by [S.I. 2003/1920](#), [art. 2\(a\)](#)

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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\(6\)](#)