



Greater London Authority Act 1999

1999 CHAPTER 29

PART XII

SUPPLEMENTARY PROVISIONS

Consequential and transitional provision etc.

405 Power to amend Acts and subordinate legislation

- (1) Any Minister of the Crown may by order make such amendments, repeals or revocations as appear to him to be appropriate in consequence of this Act, or of any regulations or orders under this Act,—
 - (a) in any enactment contained in an Act passed before the relevant day or in the Session in which that day falls; or
 - (b) in any subordinate legislation (including subordinate legislation made under or by virtue of this Act) made before the relevant day or in the Session in which that day falls.
- (2) Any power of a Minister of the Crown by order or regulations under this Part to make incidental, consequential, transitional or supplementary provision shall include power for any incidental, consequential, transitional or supplementary purposes—
 - (a) to apply with or without modifications,
 - (b) to extend, exclude or amend, or
 - (c) to repeal or revoke with or without savings,any such enactment, or any instrument made under any such enactment, as is mentioned in subsection (1) above or any charter, whenever granted.
- (3) The amendment by this Act of any provision is without prejudice to the exercise in relation to that provision of the powers conferred by this section.
- (4) For the purposes of this section “the relevant day” means the earliest day on which—
 - (a) the Authority and the functional bodies are all in being, and

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- (b) London Regional Transport and the Receiver for the Metropolitan Police District have ceased to exist,
 and any reference to an Act passed before that day includes a reference to this Act.

406 Transitional and consequential provision

- (1) A Minister of the Crown may by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or expedient—
- (a) for the general purposes, or any particular purposes, of this Act;
 - (b) in consequence of, or otherwise in connection with, any provision made by or under this Act;
 - (c) for giving full effect to this Act; or
 - (d) in consequence of such of the provisions of any other Act passed—
 - (i) before the relevant day, within the meaning of section 405 above, or
 - (ii) in the Session in which that day falls,
 as apply to any area, or any body or person, affected by this Act.
- (2) The provision that may be made by an order under this section includes provision—
- (a) for requiring or enabling any body or person by whom any powers will, on a date specified by or under this Act, become exercisable by virtue of any provision made by or under this Act to take before that date any steps which are necessary or expedient as a preliminary to the exercise of those powers;
 - (b) for the making, before any date specified by or under this Act, of arrangements for securing the satisfactory operation on or after that date of any provision made by or under this Act and for defraying the cost of any such arrangements;
 - (c) for authorising or requiring the exercise by or in relation to any body or person before a date specified by or under this Act, and whether with or without modifications, of any functions under or by virtue of this Act which will become exercisable on or after that date by or in relation to other bodies or persons, and for defraying any costs incurred in connection with any such exercise;
 - (d) for requiring any body or person by whom any powers are exercisable before a date specified by or under this Act to refrain from exercising those powers on or after that date or to refrain from exercising them as respects a period beginning on or after that date.

407 Appointments by the Secretary of State

- (1) Any functions under or by virtue of this Act which will become exercisable by a person or body other than the Secretary of State may, before they become so exercisable, be exercised by the Secretary of State for the purpose of appointing such persons as he considers necessary to secure that any provision made by or under this Act operates satisfactorily when it comes into force.
- (2) The Secretary of State may defray any costs which are incurred in the exercise of the functions mentioned in subsection (1) above.
- (3) In exercising the functions mentioned in subsection (1) above, the Secretary of State may appoint a person on such terms and conditions (including conditions as to remuneration) as the Secretary of State thinks fit.

- (4) Any such terms and conditions may include provision to the effect that the person concerned—
- (a) is, or is not, to be or become a member of a particular pension scheme, or
 - (b) is, or is not, to be treated as employed in the civil service of the State.

Transfers

408 Transfers of property, rights or liabilities

- (1) A Minister of the Crown may by order make provision for or in connection with the transfer to any body or person falling within subsection (2) below of such property, rights or liabilities of a body or person falling within subsection (3) below as he may consider appropriate.
- (2) The bodies and persons falling within this subsection are—
- (a) the Authority;
 - (b) any functional body;
 - (c) any subsidiary of Transport for London;
 - (d) London Regional Transport or any subsidiary of London Regional Transport;
 - (e) any local authority or the Common Council;
 - (f) any police authority established under section 3 of the Police Act 1996;
 - (g) the London Transport Users' Committee;
 - (h) any Minister of the Crown or government department;
 - (i) any body or person, or the holder of any office, established by or under this Act and not falling within the preceding paragraphs of this subsection.
- (3) The bodies and persons falling within this subsection are—
- (a) any Minister of the Crown or government department;
 - (b) any London borough council or the Common Council;
 - (c) London Regional Transport or any subsidiary of London Regional Transport;
 - (d) any company all the shares in which are held by a Minister of the Crown;
 - (e) the Receiver for the Metropolitan Police District;
 - (f) the Commissioner of Police of the Metropolis;
 - (g) the Development Commission;
 - (h) the Urban Regeneration Agency;
 - (i) the Commission for the New Towns;
 - (j) any body or person, or the holder of any office, for whose abolition or dissolution provision is made by or under this Act and which does not fall within the preceding paragraphs of this subsection.
- (4) The power conferred by subsection (1) above is exercisable—
- (a) for the general purposes, or any particular purposes, of this Act;
 - (b) in consequence of, or otherwise in connection with, any provision made by or under this Act;
 - (c) for giving full effect to this Act; or
 - (d) in consequence of such of the provisions of any other Act passed—
 - (i) before the relevant day, within the meaning of section 405 above, or
 - (ii) in the Session in which that day falls,

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as apply to any area, or any body or person, affected by this Act.

- (5) The power conferred by subsection (1) above is also exercisable in relation to a transfer of property, rights or liabilities to the London Development Agency for any purpose for which such a transfer may be made by a scheme under the Regional Development Agencies Act 1998.
- (6) To the extent that an order under subsection (1) above makes provision for or in connection with the transfer of property, rights or liabilities to the London Development Agency from—
- (a) the Urban Regeneration Agency, or
 - (b) the Commission for the New Towns,
- section 38 of the Regional Development Agencies Act 1998 (relief from Corporation Tax) shall apply in relation to the order as if it were a transfer scheme within the meaning of that section.
- (7) An order under subsection (1) above may make provision for or in connection with—
- (a) the grant or creation of an estate or interest in, or right over, any land or other property,
 - (b) the grant or creation of any other rights, or
 - (c) the imposition of liabilities,
- in favour of, or on, any body or person falling within subsection (2) above or any body or person falling within subsection (3) above.
- (8) An order under subsection (1) above may make provision for transfers to take effect at such time of day as may be specified in the order.

409 Transfer schemes

- (1) A Minister of the Crown may make schemes for the transfer from the Crown to one or more bodies or persons falling within subsection (2) of section 408 above of such property, rights or liabilities as he may consider appropriate.
- (2) A Minister of the Crown may by directions require a body or person falling within subsection (3) of section 408 above to make one or more schemes for the transfer to a body or person falling within subsection (2) of that section of such property, rights or liabilities as he may consider appropriate.
- (3) The powers conferred by subsection (1) or (2) above are exercisable—
- (a) for the general purposes, or any particular purposes, of this Act;
 - (b) in consequence of, or otherwise in connection with, any provision made by or under this Act;
 - (c) for giving full effect to this Act; or
 - (d) in consequence of such of the provisions of any other Act passed—
 - (i) before the relevant day, within the meaning of section 405 above, or
 - (ii) in the Session in which that day falls,
 as apply to any area, or any body or person, affected by this Act.
- (4) The powers conferred by subsection (1) or (2) above are also exercisable in relation to a transfer of property, rights or liabilities to the London Development Agency for any purpose for which such a transfer may be made by a scheme under the Regional Development Agencies Act 1998.

- (5) To the extent that a scheme under subsection (1) or (2) above makes provision for or in connection with the transfer of property, rights or liabilities to the London Development Agency from—
- (a) the Urban Regeneration Agency, or
 - (b) the Commission for the New Towns,
- section 38 of the Regional Development Agencies Act 1998 (relief from Corporation Tax) shall apply in relation to the scheme as if it were a transfer scheme within the meaning of that section.
- (6) A scheme under subsection (1) or (2) above may make any provision that may be made by order under subsection (1) of section 408 above.
- (7) A scheme under subsection (1) or (2) above may make any provision that may be made by order under subsection (1) of section 411 below.
- (8) Accordingly, the bodies or persons in relation to which provision may be made by virtue of subsection (7) above are not restricted to those falling within subsection (2) or (3) of section 408 above.
- (9) Schedule 31 to this Act (which makes provision in relation to schemes under this section) shall have effect.

410 Contracts of employment etc

- (1) The provision that may be made by transfer instrument includes provision for or in connection with the transfer of—
- (a) rights and liabilities under contracts of employment; or
 - (b) members of police forces and other persons in relation to whom paragraph (a) above does not apply.
- (2) Subsections (3) to (5) below apply where any rights or liabilities under a contract of employment are transferred by virtue of this Act.
- (3) Anything done by or in relation to the transferor in respect of the employee before the day on which the transfer takes effect shall be treated on and after that day as done by or in relation to the transferee.
- (4) 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.
- (5) For the purposes of that Act, the employee's period of employment with the transferor shall count as a period of employment with the transferee, and the change of employment shall not break the continuity of the period of employment.
- (6) In this section—
- (a) any reference to anything made or done by or in relation to the transferor includes a reference to anything which is treated by virtue of any enactment as having been made or done by or in relation to the transferor; and
 - (b) any reference to an employee's period of employment with the transferor shall be construed accordingly.
- (7) In the application of this section to a person employed in the civil service of the State—

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- (a) any reference to employment includes a reference to employment in that service;
 - (b) any reference to a contract of employment includes a reference to the terms of that employment; and
 - (c) any reference to dismissal includes a reference to the termination of that employment.
- (8) Where a transfer instrument makes provision for or in connection with a transfer falling within subsection (1)(b) above, the provision that may be made includes provision for or in connection with applying subsections (3) to (7) above (with or without modifications) in relation to or otherwise in connection with the transfer.
- (9) In this section “transfer instrument” means—
- (a) an order under section 408 above; or
 - (b) a scheme under section 409 above.

411 Pensions

- (1) A Minister of the Crown may by order make provision with respect to the provision of pensions for or in respect of persons who are or have been employees of, or of subsidiaries of,—
- (a) any of the bodies or persons falling within subsection (2) of section 408 above;
 - (b) any of the bodies or persons falling within subsection (3) of that section; or
 - (c) any body or person whose undertaking, or part of whose undertaking, has been transferred by or under any enactment to a body or person falling within paragraph (b) above.
- (2) The provision that may be made by virtue of subsection (1) above includes provision for or in connection with—
- (a) the establishment of pension schemes or pension funds;
 - (b) the administration or management of pension schemes or pension funds;
 - (c) enabling persons to participate, or continue to participate, in any pension scheme and requiring their employers to make contributions under that scheme;
 - (d) the rates, or the variation of the rates, of contributions to be made under any pension scheme, whether by employees or employers;
 - (e) the re-arrangement, amalgamation, simplification or assimilation of pension schemes.
- (3) An order under subsection (1) above may make provision for or in connection with—
- (a) the alteration or winding up of any pension scheme or pension fund, whether in whole or in part;
 - (b) the variation of any trust;
 - (c) the transfer of the whole or any part of any pension fund or of any rights, obligations or liabilities under a pension scheme;
 - (d) the persons by whom any function under or relating to the scheme is to be exercisable;
 - (e) establishing a body to administer or assist in administering a pension scheme;
 - (f) enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme;

- (g) empowering the persons responsible for administering a pension scheme to carry out arrangements for the participation in the scheme of a person who has been an employee of, or of a subsidiary of, a body or person falling within paragraph (b) or (c) of subsection (1) above;
 - (h) the amendment of a pension scheme;
 - (i) the manner in which questions arising under the order are to be determined.
- (4) An order under subsection (1) above may amend—
 - (a) the trust deed of any pension scheme;
 - (b) the rules of any such scheme; or
 - (c) any other instrument relating to the constitution, management or operation of any such scheme;and any reference in this section to the amendment of a pension scheme includes a reference to the amendment of any such trust deed, rules or other instrument.
- (5) An order under subsection (1) above may make provision for or in connection with cases where a person who, having pension rights to which such an order relates, becomes—
 - (a) the Mayor or an Assembly member;
 - (b) a member of a body or person falling within subsection (2) of section 408 above; or
 - (c) a director of a subsidiary of such a body or person.
- (6) The provision that may be made by virtue of subsection (5) above includes, in particular, provision for or in connection with—
 - (a) treating a person's service as such a member or director as service in the employment of, or of a subsidiary of, such a body or person; or
 - (b) treating two or more periods of service as continuous.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order.
- (8) An order under this section may only be made after consultation with the trustees or managers, or the administrators, of any pension fund or pension scheme to which the order relates.
- (9) An order under subsection (1) above which makes provision by virtue of subsection (3) (f) above in relation to persons who are or have been employees of the Metropolitan Police Authority shall only be made—
 - (a) after consultation with the Metropolitan Police Authority, and
 - (b) with the consent of the Minister for the Civil Service.
- (10) Schedule 32 to this Act (which makes provision in relation to schemes for the provision of pensions or other benefits for or in respect of employees etc of London Regional Transport and its subsidiaries) shall have effect.
- (11) In this section—
 - “instrument” includes an enactment or any subordinate legislation;
 - “pension” means a pension of any kind payable to or in respect of a person and includes—
 - (a) a lump sum, allowance or gratuity so payable; and
 - (b) a return of contributions, with or without interest or other addition;

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“pension rights” includes—

- (a) all forms of right to or eligibility for the present or future payment of a pension to or in respect of a person; and
- (b) a right of allocation in respect of the present or future payment of a pension;

“pension scheme” means an occupational pension scheme, as defined in section 1 of the Pension Schemes Act 1993.

412 Transfer and pension instruments: common provisions

- (1) The property, rights and liabilities which may be transferred by a transfer or pension instrument include—
 - (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned; and
 - (b) rights and liabilities under enactments.
- (2) No 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 shall operate or become exercisable as a result of any transfer of land or other property by virtue of a transfer or pension instrument (whether or not any consent required to the transfer has been obtained).
- (3) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a transfer or pension instrument.
- (4) For purposes connected with any transfers made by virtue of a transfer or pension instrument (including the transfer of rights and liabilities under an enactment) a body or person to which anything is transferred by virtue of the instrument is to be treated as the same person in law as the body or person from which it is transferred, except as otherwise provided in the instrument.
- (5) Subsection (4) above is without prejudice to section 300 above, section 415 below or any other provision made by or under this Act which makes transitional provision in relation to a transfer.
- (6) Subsections (2) to (5) above shall have effect in relation to—
 - (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
 - (b) the doing of any other thing in relation to land or other property,
 as they have effect in relation to a transfer of land or other property.
- (7) A transfer or pension instrument may define the property, rights and liabilities to be transferred by it—
 - (a) by specifying or describing them;
 - (b) by referring to all (or all but so much as may be excepted) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor; or
 - (c) partly in the one way and partly in the other.
- (8) A transfer or pension instrument may make provision for the apportionment or division of any property, rights or liabilities.

- (9) Where a transfer or pension instrument makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to him as a result of the apportionment or division.
- (10) The provision that may be made by a transfer or pension instrument includes provision for—
- (a) any transfer of land or other property by virtue of the instrument,
 - (b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
 - (c) the doing of any other thing in relation to land or other property by virtue of the instrument,
- to be on such terms, including financial terms, as the body or person making the instrument thinks fit.
- (11) A transfer or pension instrument, other than an order under section 411 above, may provide—
- (a) that disputes as to the effect of the instrument between the transferor and any transferee are to be referred to such arbitration as may be specified in or determined under the instrument;
 - (b) that determinations on such arbitrations and certificates given jointly by the transferor and any transferee as to the effect of the instrument as between them are to be conclusive for all purposes.
- (12) A Minister of the Crown may by order confer on any body or person to whom property, rights or liabilities are transferred by a transfer or pension instrument any statutory functions which were previously exercisable in relation to that property or, as the case may be, those rights or liabilities—
- (a) by a body or person falling within subsection (3) of section 408 above; or
 - (b) in the case of a transfer under or by virtue of section 411 above, the transferor under the instrument.
- (13) It shall be the duty—
- (a) of each of the bodies and persons falling within subsection (2) or (3) of section 408 above, and
 - (b) of the trustees or managers, or administrators, of any pension scheme,
- to provide any Minister of the Crown with such information or assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by him in relation to transfer or pension instruments.
- (14) Where any person is entitled, in consequence of any transfer made by virtue of a transfer or pension instrument, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—
- (a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
 - (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the

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acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(15) In this section—

“relevant document” means—

- (a) any enactment, other than an enactment contained in this Act;
- (b) any subordinate legislation made otherwise than under this Act; or
- (c) any deed or other instrument;

“transfer or pension instrument” means—

- (a) an order under section 408 or 411 above; or
- (b) a scheme under section 409 above.

413 Modification of transfer or pension instruments

- (1) If, at any time after a transfer or pension instrument has come into force, a Minister of the Crown considers it appropriate to do so, he may by order provide that the instrument shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.
- (2) An order under subsection (1) above may make such provision as could have been made by the transfer or pension instrument.
- (3) An order under subsection (1) above may only be made after the requisite consultation.
- (4) If, at any time after a scheme under section 409 above has come into force, a Minister of the Crown considers it appropriate to do so, he may by directions require a body or person falling within subsection (2) of section 408 above to prepare modifications to the scheme of such a description as may be specified in the directions.
- (5) Where a body or person is required to prepare any modifications under subsection (4) above, the body or person shall submit the modifications to the Minister for his approval before such date as he may direct.
- (6) Where any modifications are submitted under subsection (5) above, the Minister may approve them with or without amendment.
- (7) Approval under subsection (5) above shall only be given after the requisite consultation.
- (8) An approval under subsection (5) above shall take effect on such date as the Minister may specify in giving the approval.
- (9) Where any modifications are made and approved under the preceding provisions of this section, whether with or without amendment, the scheme shall for all purposes be deemed to have come into force with those modifications, subject to any such amendment.
- (10) For the purposes of this section, “the requisite consultation”—
 - (a) if or to the extent that the transfer or pension instrument concerned makes provision by virtue of the pension powers of this Part, is consultation with the trustees or managers, or the administrators, of any pension scheme affected; and
 - (b) if or to the extent that the transfer or pension instrument concerned makes provision otherwise than by virtue of the pension powers of this Part, is

consultation with any body which, or person who, the Minister considers may be affected.

(11) In this section—

“approval” means approval in writing;

“the pension powers of this Part” means—

(a) in the case of a scheme, section 409(7) above; and

(b) in the case of an order, section 411 above;

“transfer or pension instrument” has the same meaning as in section 412 above.

414 Foreign property, rights or liabilities: perfection of vesting

- (1) This section applies in any case where a transfer or pension instrument provides for the transfer of any foreign property, rights or liabilities.
- (2) It shall be the duty of the transferor and the transferee to take, as and when the transferee considers appropriate, all such steps as may be requisite to secure that the vesting in the transferee by virtue of the transfer or pension instrument of any foreign property, right or liability is effective under the relevant foreign law.
- (3) Until the vesting in the transferee, by virtue of the transfer or pension instrument, of any foreign property, right or liability is effective under the relevant foreign law, it shall be the duty of the transferor to hold that property or right for the benefit of, or to discharge that liability on behalf of, the transferee.
- (4) Nothing in subsections (2) and (3) above shall be taken as prejudicing the effect under the law of any part of the United Kingdom of the vesting in the transferee by virtue of a transfer or pension instrument of any foreign property, right or liability.
- (5) The transferor shall have all such powers as may be requisite for the performance of his duty under this section, but it shall be the duty of the transferee to act on behalf of the transferor (so far as possible) in performing the duty imposed on the transferor by this section.
- (6) References in this section to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (7) Duties imposed on the transferor or the transferee by this section shall be enforceable in the same way as if the duties were imposed by a contract between the transferor and the transferee.
- (8) Any expenses incurred by the transferor under this section shall be met by the transferee.
- (9) In this section “transfer or pension instrument” has the same meaning as in section 412 above.

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Continuity

415 Continuity

- (1) None of the following, that is to say—
 - (a) the abolition or dissolution by or under this Act of any body or office,
 - (b) the transfer, repeal or revocation by or under this Act of any functions, or
 - (c) the transfer by or under this Act of any property, rights or liabilities,shall affect the validity of anything done before the abolition, dissolution, transfer, repeal or revocation takes effect.
- (2) Subsections (3) to (5) below apply where any functions, property, rights or liabilities are transferred by or under this Act from a body or person (“the transferor”) to another body or person (“the transferee”).
- (3) There may be continued by or in relation to the transferee anything (including legal proceedings) which—
 - (a) relates to any of the functions, property, rights or liabilities transferred, and
 - (b) is in the process of being done by or in relation to the transferor immediately before the transfer takes effect.
- (4) Anything which—
 - (a) was made or done by or in relation to the transferor for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred, and
 - (b) is in effect immediately before the transfer takes effect,shall have effect as if made or done by or in relation to the transferee.
- (5) The transferee shall be substituted for the transferor in any instruments, contracts or legal proceedings which—
 - (a) relate to any of the functions, property, rights or liabilities transferred, and
 - (b) are made or commenced before the transfer takes effect.
- (6) Any reference in this section to anything made or done by or in relation to the transferor includes a reference to anything which by virtue of any enactment is treated as having been made or done by or in relation to the transferor.
- (7) Any question under this section as to—
 - (a) whether any particular functions, property, rights or liabilities are transferred by or under this Act, or
 - (b) the body to which, or person to whom, any particular functions, property, rights or liabilities are so transferred,may be determined by a direction given by the Secretary of State.
- (8) Subsections (1) to (7) above are without prejudice to any provision made by or under this Act in relation to any particular functions.
- (9) Subsections (3) to (5) above do not apply in relation to the transfer of functions, property, rights and liabilities to the extent that the provision by which, or the order or instrument under which, the transfer is made provides otherwise.
- (10) Nothing in this section shall be construed—
 - (a) as continuing in force any contract of employment; or

- (b) as transferring any rights or liabilities relating to pensions.

416 Repeal and re-enactment: supplementary provisions

- (1) Where—
 - (a) provision is made by or under this Act for the repeal and re-enactment (with or without modifications) of any provision of the London Regional Transport Act 1984, and
 - (b) the provision as re-enacted (“the new provision”) comes into force before the repeal of the provision of the London Regional Transport Act 1984 (“the old provision”),subsection (2) below shall apply.
- (2) Where this subsection applies, the provision that may be made by the Secretary of State under or by virtue of any power to make transitional provision by order under any provision of this Part includes power to make provision—
 - (a) for any reference to the old provision in any relevant document to be construed as, or as including, a reference to the new provision, or
 - (b) for anything made or done, or having effect as if made or done, under or by virtue of the old provision, to have effect, to the extent that it could have been made or done under or by virtue of the new provision, as if made or done under or by virtue of the new provision,notwithstanding that the repeal of the old provision has not come into force.
- (3) In subsection (2) above “relevant document” means—
 - (a) any enactment;
 - (b) any instrument made under an enactment;
 - (c) any deed or other instrument;
 - (d) any agreement;
 - (e) any document not falling within the other paragraphs of this subsection.
- (4) An order under subsection (2) above may make provision—
 - (a) in relation to all provisions falling within subsection (1)(b) above or such of those provisions as may be specified or described in the order; and
 - (b) generally or in relation to such cases or circumstances, or such relevant documents or descriptions of relevant documents, as may be so specified or described.
- (5) Subsections (6) to (8) below have effect in relation to any agreement made by London Regional Transport under or by virtue of paragraph (a) of section 3(2A) of the London Regional Transport Act 1984 (whether or not the agreement is a transport subsidiary’s agreement or has effect as if made under or by virtue of section 156(3) of this Act by Transport for London).
- (6) In the case of any such agreement—
 - (a) no provision of the agreement shall operate or cease to have effect, and
 - (b) no rights under the agreement shall operate or become exercisable,by reason only that a statutory duty exercisable by any body or person (“the predecessor”) becomes exercisable instead by another body or person (“the transferee”) in consequence of any provision made by or under this Act for the

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repeal and re-enactment (with or without modifications) of the provision imposing the statutory duty.

- (7) Accordingly, any such agreement shall continue in force and have effect as if the predecessor and the transferee were in law the same person and as if there had been no change in the body or person by whom the statutory duty is exercisable.
- (8) In any such agreement, or any agreement made in connection with such an agreement, any reference to London Regional Transport's duties under the London Regional Transport Act 1984 shall be taken as including a reference to the corresponding duties of Transport for London or the Authority (whether acting by the Mayor, the Assembly or the Mayor and Assembly acting jointly) under this Act.
- (9) This section is without prejudice to—
 - (a) any power conferred by any other provision of this Act; and
 - (b) sections 15 to 17 of the Interpretation Act 1978.

Taxation provisions

417 Stamp duty and stamp duty reserve tax

- (1) Neither stamp duty nor stamp duty reserve tax shall be chargeable on, or in respect of,—
 - (a) a transfer instrument;
 - (b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by a Minister of the Crown as made in pursuance of a transfer instrument; or
 - (c) an instrument or agreement which is certified to the Commissioners of Inland Revenue by a Minister of the Crown as giving effect to a preparatory reorganisation, to the extent that the instrument or agreement is so certified.
- (2) No instrument or agreement which is certified as mentioned in paragraph (b) or (c) of subsection (1) above shall be taken to be duly stamped unless—
 - (a) it is stamped with the duty to which it would, but for that subsection, be liable; or
 - (b) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.
- (3) Section 12 of the Finance Act 1895 shall not operate to require—
 - (a) the delivery to the Inland Revenue of a copy of this Act, or
 - (b) the payment of stamp duty under that section on any copy of this Act,
 and shall not apply in relation to any instrument on which, by virtue of subsection (1) above, stamp duty is not chargeable.
- (4) In subsection (1) above, “transfer instrument” means—
 - (a) an order under section 408 or 411 above; or
 - (b) a scheme under section 409 above.
- (5) In subsection (1) above “preparatory reorganisation” means the transfer of property, rights and liabilities—
 - (a) from London Regional Transport to any of its subsidiaries,

- (b) from a subsidiary of London Regional Transport to London Regional Transport,
- (c) from a subsidiary of London Regional Transport to another such subsidiary, or
- (d) from a Minister of the Crown to London Regional Transport or any of its subsidiaries,

preparatory to any provision made or to be made by or under this Act.

418 Stamp duty: instruments under London Regional Transport Act 1984

- (1) Section 64 of the London Regional Transport Act 1984 (stamp duty) shall be amended as follows.
- (2) In subsection (7)(a) (which, among other things, provides an exemption in relation to transfers in pursuance of a scheme made under section 9(6) in compliance with a direction of the Secretary of State under section 10)—
 - (a) after “or to a transfer made in pursuance of” there shall be inserted “, or otherwise in connection with,”;
 - (b) after “section 9(6) of this Act” there shall be inserted “(i)”; and
 - (c) after “under section 10 of this Act; or” there shall be inserted—
 - “(ii) in preparation for, or in pursuance of, a PPP agreement, within the meaning of Chapter VII of Part IV of the Greater London Authority Act 1999, or a contract falling within paragraph 6(2) of Schedule 33 to that Act; or”.
- (3) After subsection (7) there shall be inserted—
 - “(7A) Any reference in subsection (7)(a) above to a transfer includes—
 - (a) a reference to an agreement for a lease or underlease; and
 - (b) a reference to the grant of a lease or underlease.”

419 Taxation

- (1) The following bodies, namely—
 - (a) Transport for London,
 - (b) the Metropolitan Police Authority, and
 - (c) the London Fire and Emergency Planning Authority,shall each be treated as a local authority for the purposes of the enactments mentioned in subsection (2) below.
- (2) The enactments are—
 - (a) section 519 of the Income and Corporation Taxes Act 1988 (exemption of local authorities from income and corporation taxes); and
 - (b) section 271 of the Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).
- (3) In sections 170 to 181 of the Taxation of Chargeable Gains Act 1992 (groups of companies) references to a company do not apply to Transport for London.
- (4) Schedule 33 to this Act (which makes further provision about taxation) shall have effect.

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Miscellaneous and supplemental

420 Regulations and orders

- (1) Except to the extent that this Act makes provision to the contrary, any power conferred by this Act to make regulations or an order includes power—
 - (a) to make different provision for different cases; and
 - (b) to make incidental, consequential, supplemental or transitional provision and savings.
- (2) Any power conferred on a Minister of the Crown by this Act to make regulations or an order shall be exercisable by statutory instrument.
- (3) A statutory instrument containing (whether alone or with other provisions) an order under—
 - (a) section 21(1)(b) above,
 - (b) section 31 above,
 - (c) section 326(1) above, or
 - (d) section 405(1) above,shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subsection (3) above shall not have effect in relation to a statutory instrument containing an order under section 326(1) or 405(1) above making—
 - (a) amendments or repeals in an enactment contained in a local and personal or private Act,
 - (b) amendments or revocations in subordinate legislation which was not subject to affirmative parliamentary procedure, or
 - (c) provision of any description by virtue of section 405(2) or subsection (1) above in connection with any such amendments, repeals or revocations,if it would not have effect in relation to that instrument apart from those amendments, repeals or revocations or that provision.
- (5) A statutory instrument containing regulations under—
 - (a) paragraph 16(2) of Schedule 23 to this Act, or
 - (b) paragraph 4 or 22(2) of Schedule 24 to this Act,shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.
- (6) A statutory instrument—
 - (a) which contains (whether alone or with other provisions)—
 - (i) regulations under any provision of this Act specified in subsection (7) below, or
 - (ii) an order under any provision of this Act specified in subsection (8) below, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The provisions mentioned in subsection (6)(a)(i) above are—

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any provision contained in Chapters I to IV or VI of Part III of this Act;
any provision of Part VIII of this Act;
section 396(2);
paragraph 10 of Schedule 17;
Schedule 23, other than provisions specified in subsection (5) above;
Schedule 24, other than provisions specified in subsection (5) above.

(8) The provisions mentioned in subsection (6)(a)(ii) above are—

section 3(1) or (4);
section 25;
section 63;
section 157;
section 158(4);
section 163;
section 207;
section 235(4);
section 326(1);
section 395(3);
section 405;
section 406;
section 408;
section 411;
section 412;
section 413;
paragraph 7(3) of Schedule 12;
paragraph 9(1)(b) of Schedule 17;
paragraph 1 of Schedule 28.

(9) For the purposes of this section, the subordinate legislation which is “subject to affirmative parliamentary procedure” is any subordinate legislation contained in an instrument which was subject—

- (a) to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament, or
- (b) to a requirement that a draft of the instrument be laid before, and approved by a resolution of, the House of Commons,

or which was not subject to such a requirement by reason only that it re-enacted subordinate legislation (with or without modification).

421 Directions

- (1) Any direction given under this Act shall be in writing.
- (2) Any power conferred by this Act to give a direction shall include power to vary or revoke the direction.

422 Financial provisions

There shall be paid out of money provided by Parliament—

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- (a) any expenditure incurred by a Minister of the Crown or government department under or by virtue of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

423 Repeals

The enactments mentioned in Schedule 34 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

424 Interpretation

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

“advisory committee” and “advisory sub-committee”, in relation to the Assembly, shall be construed in accordance with section 55(4) and (5) above;

“the Assembly” means the London Assembly;

“Assembly member” means a member of the Assembly;

“the Authority” means the Greater London Authority;

“certify” means certify in writing; and related expressions shall be construed accordingly;

“the Common Council” means the Common Council of the City of London;

“company” means any body corporate;

“constituency member” shall be construed in accordance with section 2(2)(a) above;

“financial year” means a period of twelve months ending with 31st March;

“the Fire etc Authority” has the meaning given by section 328(2);

“functional body” means—

- (a) Transport for London;
- (b) the London Development Agency;
- (c) the Metropolitan Police Authority; or
- (d) the London Fire and Emergency Planning Authority;

“GLA road” 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);

“guidance” means guidance in writing;

“local authority” has the same meaning as in the Local Government Act 1972;

“London member” shall be construed in accordance with section 2(2)(b) above;

“Mayor” means Mayor of London;

“member of staff”, in relation to the Authority, means a person appointed under section 67(1) or (2) above;

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

“national policies” means any policies of Her Majesty’s government which are available in a written form and which—

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- (a) have been laid or announced before, or otherwise presented to, either House of Parliament; or
 - (b) have been published by a Minister of the Crown;
- “notice” means notice in writing;
- “notify” means notify in writing;
- “ordinary committee” and “ordinary sub-committee”, in relation to the Assembly, shall be construed in accordance with section 55(1) above;
- “ordinary election” shall be construed in accordance with section 2(7) above;
- “principal council” has the same meaning as in the Local Government Act 1972;
- “principal purposes”, in relation to the Authority, shall be construed in accordance with section 30(2) above;
- “proper officer” shall be construed in accordance with subsection (2) below;
- “standing orders”, in relation to the Authority, shall be construed in accordance with subsection (3) below;
- “statutory functions” means functions conferred or imposed by or under any enactment;
- “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (see section 21(1) of that Act);
- “subsidiary” has the meaning given to it by section 736 of the Companies Act 1985;
- “transport subsidiary’s agreement” has the meaning given by section 169 above.
- (2) In this Act, and in any enactment applied by this Act, any reference to a proper officer and any reference which by virtue of this Act is to be construed as such a reference, shall in relation to the Authority or a functional body and any purpose or area be construed as a reference to an officer appointed by the Authority or body for that purpose or area.
- (3) In this Act, or any other enactment which has effect in relation to the Authority, any reference to standing orders shall, in its application in relation to the Authority, have effect as a reference to standing orders of the Authority made under and in accordance with section 36 above.
- (4) Any power conferred by this Act to affect enactments by subordinate legislation is exercisable notwithstanding that those enactments consist of or include—
- (a) provisions contained in Part III above;
 - (b) provisions relating to the subject matter of that Part; or
 - (c) provisions creating or otherwise relating to offences.
- (5) In subsection (4) above “affect”, in relation to any enactment, includes make—
- (a) incidental, consequential, transitional, supplemental or supplementary provision or savings; or
 - (b) amendments, modifications or adaptations.

425 Short title, commencement and extent

- (1) This Act may be cited as the Greater London Authority Act 1999.

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- (2) Apart from this section, section 420 above and any power of a Minister of the Crown to make regulations or an order (which accordingly come into force on the day on which this Act is passed) the provisions of this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.
- (3) Sections 220 to 224 above and Schedules 14 and 15 to this Act shall not come into force until London Underground Limited has become a subsidiary of Transport for London.
- (4) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.
- (5) Any such order may include such adaptations of—
 - (a) the provisions which it brings into force, or
 - (b) any other provisions of this Act then in force,as appear to the Secretary of State to be necessary or expedient for the purpose or in consequence of the operation of any provision of this Act (including, in particular, the provisions which the order brings into force) before the coming into force of any other provision.
- (6) Subsections (4) and (5) above are without prejudice to section 420 above.
- (7) Subject to subsection (8) below, this Act does not extend to Northern Ireland.
- (8) Any amendment or repeal made by this Act shall have the same extent as the enactment to which it relates.