

SCHEDULES

SCHEDULE 1

Section 2.

ASSEMBLY CONSTITUENCIES AND ORDERS UNDER SECTION 2(4)

PART I

ASSEMBLY CONSTITUENCIES

Changes to Assembly constituencies

- 1 (1) This paragraph applies where, as a result of—
- (a) a review under section 13(1) of the Local Government Act 1992 (“the 1992 Act”), or
 - (b) a further review under section 15(6) of that Act,
- the Local Government Commission for England (“the Commission”) recommends to the Secretary of State, at a time when an order under section 2(4) of this Act has effect, that he should make one or more boundary changes falling within sub-paragraph (2) below.
- (2) The boundary changes mentioned in sub-paragraph (1) above are boundary changes—
- (a) falling within section 14(3)(a) of the 1992 Act (alteration of a local government area) and affecting any London borough;
 - (b) falling within section 14(3)(d) of that Act (constitution of a new London borough); or
 - (c) falling within section 14(3)(e) of that Act (abolition of a London borough).
- (3) Where this paragraph applies, the Commission shall submit to the Secretary of State the report or reports required under sub-paragraph (4), (5) or (6) below (as read with sub-paragraph (7) below).
- (4) If the Commission is of the opinion that, in consequence of the boundary changes mentioned in sub-paragraph (1) above, changes are required to Assembly constituencies in order to comply with the rules set out in paragraph 7 below, the report required is one which recommends to the Secretary of State the changes which in the opinion of the Commission should be made to Assembly constituencies to comply with those rules.
- (5) If the Commission is not of the opinion mentioned in sub-paragraph (4) above, the report required is one which states that fact.
- (6) If the Commission is of the opinion that a comprehensive review of Assembly constituencies is required in consequence of the boundary changes mentioned in sub-paragraph (1) above, the report required is one which recommends to the Secretary of State that such a review be carried out.

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- (7) Where a report is required under sub-paragraph (6) above, no report is required under sub-paragraph (4) or (5) above unless the Commission is of the opinion that a report under sub-paragraph (4) above ought to be submitted for the purposes of the next ordinary election, in which case the Commission shall submit such a report in addition to the report required by sub-paragraph (6) above.

Comprehensive review of Assembly constituencies

- 2 (1) If the Secretary of State at any time so directs, the Commission shall carry out a comprehensive review of Assembly constituencies and submit to the Secretary of State a report—
- (a) showing the areas into which it recommends Greater London should be divided to form the Assembly constituencies; and
 - (b) stating the name by which it recommends that each Assembly constituency should be known.
- (2) No recommendations shall be made by the Commission in a report under sub-paragraph (1) above unless the recommendations comply with the rules set out in paragraph 7 below.

Preparation and submission of report

- 3 (1) A direction to submit a report under paragraph 2(1) above shall specify the timetable in accordance with which the report is to be prepared, submitted and available for inspection under this Schedule (“the timetable”).
- (2) As soon as reasonably practicable after being directed to submit a report under paragraph 2(1) above, the Commission shall take such steps as it considers sufficient to secure that persons who may be interested in the subject-matter of the report are informed of—
- (a) the direction requiring the report to be submitted, including, in particular, the period specified in the timetable within which representations with respect to the subject-matter of the report may be made to the Commission; and
 - (b) any direction under paragraph 5 below.
- (3) Before submitting its report, the Commission shall—
- (a) take into consideration any representations made to it within the period mentioned in sub-paragraph (2)(a) above;
 - (b) prepare a draft report and take such steps as it considers sufficient to secure that persons who may be interested in the report are informed of it and of the period specified in the timetable within which representations with respect to it may be made;
 - (c) deposit copies of the draft report at the principal office of—
 - (i) the Authority;
 - (ii) each London borough council; and
 - (iii) the Common Council; and
 - (d) take into consideration representations made to the Commission within the period mentioned in paragraph (b) above.
- (4) As soon as the Commission is in a position to submit its report to the Secretary of State (and in any event not later than the date specified in the timetable for submission of the report), it shall—

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- (a) submit the report to him;
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the report are informed of it and of the period specified in the timetable within which it may be inspected; and
 - (c) deposit copies of the report at the principal office of—
 - (i) each London borough council; and
 - (ii) the Common Council.
- (5) Copies of the draft report deposited under sub-paragraph (3)(c) above, and of the report deposited under sub-paragraph (4)(c) above, shall be kept available for inspection at the offices concerned in accordance with the timetable.

Further report

- 4 (1) Where a report is submitted to the Secretary of State in accordance with a direction under paragraph 2(1) above, he may, if he thinks fit, direct the Commission—
- (a) to review such of the recommendations made in the report as may be specified in the direction; and
 - (b) to submit a further report making revised recommendations as respects—
 - (i) the areas into which Greater London should be divided to form the Assembly constituencies; and
 - (ii) the name by which each Assembly constituency should be known.
- (2) Paragraph 3 above shall apply in relation to any further report with such modifications as may be specified in the direction under sub-paragraph (1) above.
- (3) No recommendations shall be made by the Commission in a further report unless the recommendations comply with the rules set out in paragraph 7 below.

Directions

- 5 The Secretary of State may give directions as to the exercise by the Commission of any of its functions under this Schedule; and, in particular, the directions may—
- (a) specify matters which the Commission must take into account in preparing a report; and
 - (b) require the Commission to have regard to any guidance given by the Secretary of State as respects matters to be taken into account in preparing a report.

Payments by Secretary of State to Commission

- 6 The Secretary of State may pay to the Commission such amount as he may determine to be the amount required by the Commission for carrying out its functions under this Schedule.

The rules about Assembly constituencies

- 7 (1) The rules referred to in paragraphs 1(4), 2(2) and 4(3) above are—
1. There shall be fourteen Assembly constituencies.
 2. Each Assembly constituency shall consist of two or more entire London boroughs.

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3. A part of the boundary of each London borough contained within an Assembly constituency shall adjoin a part of the boundary of at least one other London borough contained within that constituency.
4. No London borough shall be included in more than one Assembly constituency.
5. The electorate for an Assembly constituency shall be as near the electorate for each other Assembly constituency as is reasonably practicable.

(2) For the purposes of the rules in sub-paragraph (1) above—

- (a) any reference to a London borough includes a reference to the City of London, which for this purpose shall be taken to include the Inner Temple and the Middle Temple; and
- (b) a part of a boundary which would, except for the river Thames or a tributary of the river Thames, adjoin a part of another boundary is deemed to adjoin that part of that other boundary.

PART II

ORDERS UNDER SECTION 2(4)

- 8 (1) An order under section 2(4) of this Act may give effect, with or without modifications, to all or any of the recommendations contained in a report submitted by the Commission under—
 - (a) section 7 of the Greater London Authority (Referendum) Act 1998 (report of recommendations about electoral areas etc);
 - (b) section 9 of that Act (further report of recommendations about electoral areas etc);
 - (c) paragraph 1(4) above;
 - (d) paragraph 2(1) above; or
 - (e) paragraph 4(1)(b) above.
- (2) No order giving effect to recommendations made in a report under paragraph 2(1) above or a further report under paragraph 4(1)(b) above shall be made before the end of the period of six weeks beginning with the submission of the report.
- (3) Before making an order falling within sub-paragraph (2) above, the Secretary of State may by a direction require the Commission to supply him with such additional information as may be described in the direction.
- (4) In sub-paragraph (1) above, “modifications” includes additions, alterations and omissions.
- 9 (1) Where the Secretary of State is satisfied that—
 - (a) a mistake has occurred in the preparation of an order under section 2(4) of this Act, and
 - (b) the mistake is such that it cannot be rectified by a subsequent order made under that provision by virtue of section 14 of the Interpretation Act 1978 (implied power to amend),
 he may by order under this sub-paragraph make such provision as he thinks necessary or expedient for rectifying the mistake.
- (2) In this paragraph “mistake”, in relation to an order, includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information.

SCHEDULE 2

Section 4.

VOTING AT ELECTIONS

PART I

ELECTION OF THE MAYOR

Application

- 1 This Part of this Schedule applies where there are three or more candidates to be the Mayor.

First preference vote and second preference vote

- 2 In this Schedule—
“first preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s first preference from among the candidates to be the Mayor;
“second preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s second preference from among the candidates to be the Mayor.

Candidate with overall majority of first preference votes

- 3 If one of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies that candidate shall be returned as the Mayor.

No candidate with overall majority of first preference votes

- 4 (1) If none of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies, the following provisions of this paragraph shall have effect.
- (2) The two candidates who received the greatest number of first preference votes given in the Assembly constituencies remain in the contest.
- (3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2) above, all of them remain in the contest.
- (4) The other candidates are eliminated from the contest.
- (5) The number of second preference votes given in the Assembly constituencies for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates shall be ascertained.
- (6) That number shall be added to the number of first preference votes given for that candidate, to give his total number of preference votes.
- (7) The person who is to be returned as the Mayor is that one of the candidates remaining in the contest who has the greatest total number of preference votes.

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- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the Greater London returning officer shall decide by lots which of them is to be returned as the Mayor.

PART II

RETURN OF LONDON MEMBERS

Party lists and individual candidates

- 5 (1) Any registered political party may submit a list of candidates to be London members.
- (2) The list is to be submitted to the Greater London returning officer.
- (3) The list has effect in relation to—
- (a) the ordinary election; and
 - (b) any vacancies among the London members which occur after that election and before the next ordinary election.
- (4) The list must not include more than twenty five persons (but may include only one).
- (5) The list must not include a person—
- (a) who is a candidate to be a constituency member but who is not a candidate of that party;
 - (b) who is included on any other list submitted for the election of London members; or
 - (c) who is an individual candidate to be a London member.
- (6) A person may not be an individual candidate to be a London member if—
- (a) he is included on a list submitted by a registered political party for the election of London members; or
 - (b) he is a candidate of any registered political party to be the Mayor or a constituency member.

Calculation of the London figure

- 6 (1) For each registered political party by which a list of candidates has been submitted for the election of London members—
- (a) there shall be added together the number of London votes given for the party in the Assembly constituencies; and
 - (b) the number arrived at under paragraph (a) above shall then be divided by the aggregate of one and the number of candidates of the party returned as constituency members.
- (2) For each individual candidate to be a London member there shall be added together the number of London votes given for that candidate in the Assembly constituencies.
- (3) The number arrived at—
- (a) in the case of a registered political party, under sub-paragraph (1)(b) above, or
 - (b) in the case of an individual candidate, under sub-paragraph (2) above,

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is referred to in this Schedule as “the London figure” for that party or individual candidate.

- (4) If a person who is a candidate of a registered political party in an Assembly constituency—
- (a) is returned as the Assembly member for the constituency, and
 - (b) is also returned as the Mayor,
- that person counts for the purposes of sub-paragraph (1)(b) above as a candidate of the party returned as a constituency member, notwithstanding that a vacancy arises in the Assembly constituency by virtue of subsection (10) of section 4 of this Act.

No seats for party etc not polling prescribed percentage of total vote

- 7 (1) If the number arrived at under—
- (a) paragraph 6(1)(a) above, in the case of a registered political party, or
 - (b) paragraph 6(2) above, in the case of an individual candidate,
- is not more than 5 per cent of the total number of London votes polled by all the registered political parties and all the individual candidates at the election, none of the seats for London members shall be allocated to that party or individual candidate.
- (2) That party or candidate shall accordingly be left out of account in applying paragraph 8 below.

Return of members

- 8 (1) The first of the seats for London members shall be allocated to the party or individual candidate with the highest London figure.
- (2) The second and subsequent seats for London members shall be allocated to the party or individual candidate with the highest London figure after any recalculation required by sub-paragraph (3) below has been carried out.
- (3) This sub-paragraph requires a recalculation under paragraph 6(1)(b) above in relation to a party—
- (a) for the first application of sub-paragraph (2) above, if the application of sub-paragraph (1) above resulted in the allocation of a seat to the party, or
 - (b) for any subsequent application of sub-paragraph (2) above, if the previous application of that sub-paragraph did so;
- and a recalculation shall be carried out after adding one to the aggregate mentioned in paragraph 6(1)(b) above.
- (4) An individual candidate already returned as the Mayor or as an Assembly member shall be disregarded.
- (5) Seats for London members which are allocated to a party shall be filled by the persons on the party’s list in the order in which they appear on the list.
- (6) Once a party’s list has been exhausted (by the return of persons included on it as constituency members or by the previous application of sub-paragraph (1) or (2) above) the party shall be disregarded.

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- (7) If (on the application of sub-paragraph (1) above or any application of sub-paragraph (2) above) the highest London figure is the London figure of two or more parties or individual candidates, the sub-paragraph shall apply to each of them.
- (8) However, where sub-paragraph (7) above would mean that more than the full number of seats for London members was allocated, sub-paragraph (1) or (2) above shall not apply until—
- (a) a recalculation has been carried out under paragraph 6(1)(b) above after adding one to the number of votes given for each party with that London figure, and
 - (b) one has been added to the number of votes given for each individual candidate with that London figure.
- (9) If, after that, the highest London figure is still the London figure of two or more parties or individual candidates, the Greater London returning officer shall decide between them by lots.
- (10) For the purposes of sub-paragraph (5) above and section 11 of this Act, a person included on a list submitted by a registered political party who is returned as the Mayor or as an Assembly member shall be treated as ceasing to be on the list (even if his return is void).

SCHEDULE 3

Section 17.

AMENDMENTS OF THE REPRESENTATION OF THE PEOPLE ACTS

Preliminary

- 1 The Representation of the People Act 1983 shall be amended as follows.

Polling districts and stations

- 2 (1) Section 31 shall be amended as follows.
- (2) After subsection (1A) there shall be inserted—
- “(1B) For any Authority elections, a London borough council or the Common Council may divide their area into polling districts and may alter any polling district.
- For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

Returning officers for Greater London and for Assembly constituencies

- 3 (1) Section 35 shall be amended as follows.
- (2) Before subsection (3) there shall be inserted—
- “(2A) Subsections (2B) and (2C) below have effect in relation to the Greater London Authority.

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(2B) The returning officer at an election of a constituency member of the London Assembly shall be such a person, or a person of such a description, as may be designated by the Secretary of State in an order made by statutory instrument.

(2C) The returning officer—

- (a) at any election of the Mayor of London,
- (b) at the election of the London members of the London Assembly at an ordinary election, and
- (c) for the purposes of section 11 of the 1999 Act (return of London members of the London Assembly otherwise than at an election),

shall be the proper officer of the Greater London Authority.”

(3) After subsection (5) there shall be inserted—

“(6) The council for any London borough shall place the services of its officers at the disposal of any person acting as the returning officer at an Authority election for an electoral area situated wholly or partly in the borough.”

Rules for local elections

4 (1) Section 36 shall be amended as follows.

(2) After subsection (2) (which requires rules under the section to apply the parliamentary elections rules with adaptations etc) there shall be inserted—

“(2A) As regards the Greater London Authority—

- (a) Authority elections, and
- (b) the return of London members of the London Assembly otherwise than at an election,

shall be conducted in accordance with rules made under this subsection by the Secretary of State.

Rules made under this subsection need not comply with the requirements of subsection (2) above.

(2B) As regards lists of candidates submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members), the provision that may be made by rules under subsection (2A) above includes provision for or in connection with any of the following—

- (a) the inclusion, withdrawal, addition or removal of persons;
- (b) cases where a person included in such a list is or becomes, or seeks to become, an individual candidate to be a London member of the London Assembly.”

(3) Before subsection (5) there shall be inserted—

“(4B) All expenditure properly incurred by a returning officer in relation to the holding of an Authority election shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the Greater London Authority, exceed that scale, be paid by the Greater London Authority.”

(4) After subsection (6) (power of council for local government area to advance sums to returning officer before poll at election) there shall be inserted—

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“(6A) Subsection (6) above shall apply in relation to an Authority election as it applies in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the Greater London Authority.”

Ordinary day of local elections

- 5 (1) Section 37 shall be amended as follows.
- (2) At the beginning there shall be inserted “(1)”.
- (3) The subsection (1) so formed shall end with paragraph (b).
- (4) At the beginning of the sentence following paragraph (b) there shall be inserted “(3)”.
- (5) After the subsection (1) formed by sub-paragraphs (2) and (3) above there shall be inserted—
- “(2) As respects Authority elections, the power conferred by subsection (1)(b) above shall include power to make an order fixing a day other than the first Thursday in May as the day on which the poll is to be held at an ordinary election other than the first.”

Local elections void etc

- 6 (1) Section 39 shall be amended as follows.
- (2) In subsection (1) (returning officer to order election to fill vacancy where poll countermanded or abandoned or vacancies remain unfilled) for “an election of a councillor for a local government area” there shall be substituted “a local government election, other than an election for the return of the London members of the London Assembly”.
- (3) In subsection (2) (election to an office under the 1972 Act not held on the appointed day etc) after “office under the Local Government Act 1972” there shall be inserted “or the 1999 Act”.
- (4) In subsection (6)(a) (which permits an order under the section to make modifications to certain enactments) in sub-paragraph (ii), after “the Local Government Act 1972” there shall be inserted “or the 1999 Act”.

Timing as to local elections

- 7 (1) Section 40 shall be amended as follows.
- (2) In subsection (1) (provision where anything required to be done by certain enactments falls at a weekend etc) after “Representation of the People Act 1985” there shall be inserted “or section 3 of the 1999 Act”.
- (3) In subsection (2) (day to which election is postponed treated as day of election for purposes of certain enactments) after “Local Government Act 1972” there shall be inserted “and (in the case of an Authority election) the 1999 Act”.

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Further provision as to local election voting

- 8 (1) Section 46 shall be amended as follows.
- (2) In subsection (1) (which makes provision as to the number of votes which a person may give in a local government election) after paragraph (b) there shall be added—
- “but this subsection does not apply in relation to Authority elections (where the votes allowed to be given are as specified in the applicable provisions of section 4, 10 or 16 of the 1999 Act).”

Validity of local expenses, legal costs

- 9 (1) Section 48 shall be amended as follows.
- (2) After subsection (3) (which refers to the council required to pay the expenses properly incurred by a returning officer) there shall be inserted—
- “(3A) In the application of subsection (3) above in relation to an Authority election, the Greater London Authority shall be treated as the council which is required to pay the expenses properly incurred by the returning officer.”

Voting offences

- 10 (1) Section 61 shall be amended as follows.
- (2) After subsection (2) (person voting as elector otherwise than by proxy) there shall be inserted—
- “(2A) In the case of Authority elections, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy—
- (a) more than once at the same election of the Mayor of London;
 - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
 - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;
 - (d) in more than one Assembly constituency at the same ordinary election; or
 - (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.”
- (3) After subsection (3) (person voting as proxy for the same elector) there shall be inserted—
- “(3A) In the case of Authority elections, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as proxy for the same elector—
- (a) more than once at the same election of the Mayor of London;
 - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
 - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or

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- (d) in more than one Assembly constituency at the same ordinary election.”

Requirement of secrecy

- 11 (1) Section 66 shall be amended as follows.

- (2) After subsection (6) there shall be added—

“(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.

- (8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.”

Election agents

- 12 (1) Section 67 shall be amended as follows.

- (2) After subsection (1) (name and address of candidate’s election agent) there shall be inserted—

“(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, the requirements of subsection (1) above in relation to those candidates are that not later than the time there mentioned—

- (a) a person shall be named by or on behalf of the party as the election agent of all of those candidates; and
 (b) the declaration required by that subsection shall be made by or on behalf of the party.”

- (3) After subsection (2) (which makes provision for a candidate to name himself as his own election agent) there shall be inserted—

“(2A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, a candidate included in the list—

- (a) must not under subsection (2) above name himself as his own election agent, but
 (b) may be named by or on behalf of the party as the election agent of all the candidates included in the list,

and the provisions which have effect by virtue of subsection (2) above in relation to a candidate upon his naming himself as election agent shall also have effect in relation to a candidate upon his being named as election agent by virtue of paragraph (b) above.”

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(4) At the beginning of subsection (3) (one agent only for each candidate) there shall be inserted “Subject to subsection (3A) below,” and after that subsection there shall be inserted—

“(3A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—

- (a) the same person must be appointed as election agent for all the candidates included in the list; and
- (b) any such appointment may only be revoked by or on behalf of the party and in respect of all the candidates.”

(5) After subsection (5) (declaration of person other than the candidate as election agent) there shall be inserted—

“(5A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, subsection (5) above shall apply in relation to the candidates included in that list as if the reference to a person other than the candidate were a reference to a person other than the candidate whose name appears highest on the list.”

(6) In subsection (7) (meaning of “appropriate officer” in Part II)—

- (a) after paragraph (a) there shall be inserted—
 - “(aa) in relation to an Authority election, the returning officer for that election (as determined under subsection (2B) of section 35 or, as the case may be, paragraph (a) or (b) of subsection (2C) of that section);”;
- (b) in paragraph (b), for “a local government election,” there shall be substituted “any other local government election,”.

Sub-agents

13 (1) Section 68 (nomination of sub-agent at parliamentary election for a county constituency) shall be amended as follows.

(2) In subsection (1) (appointment of sub-agent for part of constituency)—

- (a) after “In the case of” there shall be inserted “(a)”;
- (b) after “county constituency” there shall be inserted “, or
 - (b) an Authority election,”;
- (c) after “part of the constituency” there shall be inserted “or electoral area”.

(3) In subsection (2) (powers, acts and defaults of the sub-agent), after “constituency”, in each place where it occurs, there shall be inserted “or electoral area”.

(4) After subsection (4) (vacation or revocation of appointment of sub-agent) there shall be inserted—

“(4A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—

- (a) the election agent for those candidates must, if he appoints a sub-agent for any part of the electoral area in the case of any of those candidates, appoint the same person as sub-agent for that part of the electoral area in the case of all of the candidates; and

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- (b) any such appointment may only be revoked in respect of all of the candidates.”
- (5) In subsection (5) (declaration to specify the part of the constituency for which the sub-agent is appointed) after “constituency” there shall be inserted “or electoral area”.
- (6) The sidenote to the section accordingly becomes “Nomination of sub-agent at parliamentary or Authority elections.”

Office of election agent and sub-agent

- 14 (1) Section 69 (location of office) shall be amended as follows.
- (2) In subsection (2)(b) (local government elections) after “adjoins it” there shall be added “, and that of a sub-agent shall be in the area within which he is appointed to act”.

Effect of default in election agent’s appointment

- 15 After section 70 there shall be inserted—

“70A Application of s.70 in relation to election of London members of the London Assembly

- (1) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—
 - (a) section 70 shall not apply in relation to those candidates, but
 - (b) the following provisions of this section shall have effect in place of that section.
- (2) If no person’s name and address is given as required by virtue of section 67(1A) as the election agent of all of the candidates included in the list who remain validly nominated at the latest time for delivery of notices of withdrawals—
 - (a) the candidate whose name appears highest on the list shall be deemed at that time to have been named on behalf of the party as election agent for all of the candidates; and
 - (b) any appointment of another person as election agent for those candidates shall be deemed to have been revoked.
- (3) If—
 - (a) the person whose name and address have been so given as those of the election agent for the candidates dies, and
 - (b) a new appointment is not made on the day of the death or on the following day,
 the candidate whose name appears highest on the list shall be deemed to have been named on behalf of the party as election agent for all of the candidates as from the time of death.
- (4) If the appointment of the election agent for the candidates is revoked without a new appointment being made, the candidate whose name appears highest

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on the list shall be deemed to have been appointed (or re-appointed) election agent.

- (5) The deemed appointment of a candidate as election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate included in the list is by virtue of this section to be treated as election agent, he shall be deemed to have his office—
- (a) at his address as given in the statement as to persons nominated; or
 - (b) if that address is outside the permitted area for the office, at the qualifying address of the person (or first person) named in that statement as his proposer.
- (7) The appropriate officer, on being satisfied that a candidate is by virtue of this section to be treated as election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 67 and 69.”

Election expenses

- 16 (1) Section 72 shall be amended as follows.
- (2) In subsection (3) (parliamentary election where sub-agents are allowed) after “parliamentary” there shall be inserted “or Authority”.

Payment of expenses through election agent

- 17 (1) Section 73 shall be amended as follows.
- (2) In subsection (3) (parliamentary election where sub-agents are allowed) after “parliamentary” there shall be inserted “or Authority”.

Candidate’s personal expenses and petty expenses

- 18 (1) Section 74 shall be amended as follows.
- (2) In subsection (1) (which authorises a candidate to pay personal expenses, but subject to a limit in the case of a parliamentary election) after “but” there shall be inserted “(a)” and for “and” there shall be substituted—
- “(b) the amount which a candidate at an election of the Mayor of London may pay shall not exceed £5,000,
 - (c) the amount which a candidate at an election of a constituency member of the London Assembly may pay shall not exceed £600, and
 - (d) the amount which a candidate to be a London member of the London Assembly at an ordinary election may pay shall not exceed £900,
- and, where paragraph (a), (b), (c) or (d) above applies,”.
- (3) After subsection (1) there shall be inserted—
- “(1A) In the application of subsection (1) above in relation to a person who is a candidate in two or more Authority elections those elections shall be treated—

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- (a) if one of them is an election of the Mayor of London, as if they together constituted a single election falling within paragraph (b) of that subsection, and
- (b) in any other case, as if they together constituted a single election falling within paragraph (d) of that subsection.”

Prohibition of expenses not authorised by election agent

- 19 (1) Section 75 shall be amended as follows.
- (2) In subsection (1) (which prohibits the incurring of certain expenses by any person other than the candidate, his agent or persons authorised in writing by the agent)—
- (a) after “promoting or procuring the election of a candidate” there shall be inserted “(or, in the case of an election of the London members of the London Assembly at an ordinary election, a registered political party or candidates of that party)”; and
 - (b) at the end of paragraph (c) there shall be added “; or
 - (d) in the case of an election of the London members of the London Assembly at an ordinary election, of otherwise presenting to the electors the candidate’s registered political party (if any) or the views of that party or the extent or nature of that party’s backing or disparaging any other registered political party”; and
 - (c) after the words “but paragraph (c)” there shall be inserted “or (d)”.
- (3) After subsection (1) there shall be inserted—
- “(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, any reference to the candidate includes a reference to all or any of the candidates of a registered political party.”
- (4) After subsection (1A) there shall be inserted—
- “(1B) In its application in relation to an Authority election, subsection (1)(ii) above shall have effect—
- (a) with the substitution for the monetary sum there specified of such sum as the Secretary of State may prescribe in an order made by statutory instrument; and
 - (b) in the case of an election of the London members of the London Assembly at an ordinary election, with the omission of the words from “and are” to “others”.
- (1C) Different sums may be prescribed under subsection (1B)(a) above in relation to—
- (a) an election of the Mayor of London;
 - (b) an election of a constituency member of the London Assembly; and
 - (c) an election of the London members of the London Assembly at an ordinary election.”
- (5) At the end of the section there shall be added—
- “(7) For the purposes of this section, in the case of an election of the London members of the London Assembly at an ordinary election, a candidate’s

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registered political party is the registered political party (if any) which submitted for the purposes of that election a list of candidates on which the candidate in question is included.”

Limitation of election expenses

- 20 (1) Section 76 shall be amended as follows.
- (2) After subsection (1) (which limits the expenditure which may be incurred by a candidate or his agent in respect of the conduct or management of the election) there shall be inserted—
- “(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, subsection (1) above shall not have effect in relation to any of those candidates or his election agent; but—
- (a) any sums paid or expenses incurred as mentioned in that subsection by any of those candidates or the election agent must not in the aggregate exceed the maximum amount specified in this section; and
- (b) a candidate or election agent who knowingly acts in contravention of this subsection shall be guilty of an illegal practice.”
- (3) In subsection (2)(b) (which specifies the maximum amount for a local government election) after “a local government election” there shall be inserted “other than an Authority election”.
- (4) After subsection (2) there shall be inserted—
- “(2A) As respects Authority elections, each of the following, that is to say—
- (a) the maximum amount for a candidate in an election of the Mayor of London,
- (b) the maximum amount for a candidate in an election of a constituency member of the London Assembly,
- (c) the maximum amount for an individual candidate in an election of the London members of the London Assembly at an ordinary election,
- (d) the maximum amount for the purposes of subsection (1A) above,
- shall be such as the Secretary of State may prescribe in an order made by statutory instrument.
- (2B) An order under subsection (2A) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (5) In subsection (5) (maximum amount not to cover personal expenses of candidate at a parliamentary election) after “parliamentary election” there shall be inserted “or an Authority election (including the maximum amount for the purposes of subsection (1A) above)”.

Power to vary provisions concerning election expenses

- 21 (1) Section 76A shall be amended as follows.
- (2) In subsection (1) (power to vary the sums stated in specified provisions)—

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- (a) for “74(1)” there shall be substituted “74(1)(a), (b), (c) or (d)”; and
- (b) after “75(1) above” there shall be inserted “, a sum prescribed under section 75(1B)(a) above”.

Expenses limit for joint candidates at local election

- 22 (1) Section 77 shall be amended as follows.
- (2) In subsection (1) (reduction of maximum amount under section 76 in the case of joint candidates at a local government election) after “local government election” there shall be inserted “other than an Authority election”.

Return as to election expenses

- 23 (1) Section 81 shall be amended as follows.
- (2) After subsection (1) (which allows 35 days after the day of the declaration for the making of the return) there shall be inserted—
- “(1A) Subsection (1) above—
- (a) in its application in relation to an election of the Mayor of London, shall have effect with the substitution for “35 days” of “70 days”; and
 - (b) in its application in relation to the election of the London members of the London Assembly at an ordinary election, shall have effect with the substitution for “35 days after the day on which the result of the election is declared” of “70 days after the day on which the last of the successful candidates at the election is declared to be returned.””
- (3) After subsection (5) there shall be inserted—
- “(6) Where a registered political party submits a list of two or more candidates to be London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect in relation to those candidates and their election agent with the following modifications.
 - (7) The return which the election agent is required to deliver under subsection (1) above—
 - (a) shall be in respect of all those candidates; and
 - (b) shall be in the form set out for the purpose in rules under section 36(2A) above or to the like effect.
 - (8) If any payments made by the election agent were in respect of two or more candidates, the return shall deal under a separate heading or subsection with all such payments, and the expenses to which they relate, in respect of those candidates.
 - (9) The statements which the return is required to contain by virtue of subsection (3) above in respect of the matters there mentioned shall be a separate statement of each such matter as respects each of the candidates in question.
 - (10) If and to the extent that any such matter is referable to two or more candidates together, the return shall contain a separate statement of that matter as respects those candidates.

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- (11) Where one of the candidates is the election agent, subsection (4) above shall have effect, as respects that candidate, as it has effect where a candidate is his own election agent.”

Declarations as to election expenses

- 24 (1) Section 82 shall be amended as follows.
- (2) In subsection (1) (declaration by agent) for “the form in Schedule 3 to this Act” there shall be substituted “the appropriate form”.
- (3) In subsection (2) (declaration by candidate) for “the form in that Schedule” there shall be substituted “the appropriate form”.
- (4) After subsection (2) there shall be inserted—
- “(2A) For the purposes of subsections (1) and (2) above, “the appropriate form”—
- (a) in the case of the election agent for the candidates on a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, is the form set out for the purpose in rules under section 36(2A) above;
- (b) in the case of any of the candidates included in such a list, is the form set out for the purpose in those rules; and
- (c) in any other case, is the form in Schedule 3 to this Act.”
- (5) In subsection (4) (persons before whom declaration as to election expenses may be made) in paragraph (a), after “London borough” there shall be inserted “or the proper officer of the Greater London Authority”.
- (6) After subsection (5) there shall be inserted—
- “(5A) Where one of the candidates included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party is the election agent for those candidates, the declarations required by subsections (1) and (2) above shall instead be modified as specified in the form set out in the rules under section 36(2A) above.”

Penalty for sitting or voting where no return and declarations transmitted

- 25 (1) Section 85 shall be amended as follows.
- (2) After subsection (2) there shall be inserted—
- “(2A) As respects Authority elections—
- (a) subsections (1) and (2) above shall not apply in relation to a candidate in an election of the Mayor of London (for which separate provision is made by section 85A below);
- (b) in the case of any other Authority election, the reference in subsection (2)(a) above to the council for the local government area for which the election was held shall be taken as a reference to the London Assembly; and
- (c) in the case of a candidate included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, the references in

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subsection (1) above to the returns and declarations in respect of election expenses shall be taken as references to the declaration as to election expenses by the candidate.”

Disqualification where no return and declarations transmitted after Mayoral election

26 After section 85 there shall be inserted—

“85A Disqualification where no return and declarations transmitted after election of Mayor of London

- (1) If, in the case of any candidate at an election of the Mayor of London, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate shall, as respects that election, be disqualified from being elected or being the Mayor of London.
- (2) Any application under section 86 below by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.
- (3) A disqualification under subsection (1) above shall not take effect unless or until—
 - (a) the period specified in subsection (2) above for making an application for relief under section 86 below expires without such an application having been made; or
 - (b) if such an application is made, the application—
 - (i) is finally disposed of without relief being granted; or
 - (ii) is abandoned or fails by reason of non-prosecution.”

Publication of time and place for inspection of returns and declarations

- 27 (1) Section 88 shall be amended as follows.
- (2) In the words preceding paragraph (a), after “At a parliamentary election” there shall be inserted “or an Authority election”.
 - (3) In paragraph (a) (which requires publication of notices in at least two newspapers circulating in the constituency for which the election was held) after “the constituency” there shall be inserted “or electoral area”.

Broadcasting during elections

- 28 (1) Section 93 shall be amended as follows.
- (2) In subsection (1), after “local government election” there shall be inserted “, other than an Authority election,”.

Schools and rooms for election meetings

- 29 (1) Section 96 shall be amended as follows.
- (2) In subsection (1) (which entitles a candidate to the use of certain premises for holding public meetings in furtherance of his candidature) for “in furtherance of his

candidature” there shall be substituted “to promote or procure the giving of votes at that election—

- (i) for himself, or
- (ii) if he is a candidate included in a list of candidates submitted by a registered political party at an election of the London members of the London Assembly at an ordinary election, towards the return of candidates on that list.”.

Bribery

- 30 (1) Section 113 shall be amended as follows.
- (2) In subsection (2) (conduct which constitutes bribery) at the end of paragraph (ii) there shall be added “; and
- (iii) references to procuring the return of any person at an election include, in the case of an election of the London members of the London Assembly at an ordinary election, references to procuring the return of candidates on a list of candidates submitted by a registered political party for the purposes of that election”.

Election court for local election and place of trial

- 31 (1) Section 130 shall be amended as follows.
- (2) At the beginning of subsection (2)(b)(ii) (which provides that a person is not qualified to constitute an election court for the trial of a petition relating to a local government area in which he practises) there shall be inserted “except in the case of an Authority election,”.

Consequences of election etc of London members being declared void.

- 32 (1) In section 135 (consequences of local election declared void) after subsection (1) (which provides for a new election in certain cases) there shall be inserted—
- “(1A) Subsection (1) above shall not apply in the case of an election of the London members of the London Assembly at an ordinary election (for which separate provision is made by section 135A below).”
- (2) After section 135 there shall be inserted—

“135A Consequences of election or return of London members being declared void

- (1) This section applies where the election court has made a determination under section 145 below at the conclusion of the trial of a petition questioning the election of the London members of the London Assembly at an ordinary election.
- (2) Where, pursuant to section 145(6) below, the proper officer of the Greater London Authority receives the copy of the certificate of the election court’s determination in relation to the election which was questioned, he shall send notice of the determination to the Greater London returning officer.
- (3) If the election is not declared void but—

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- (a) the return of a candidate at the election is declared void, and
 - (b) no other person has been declared returned in his place,
- the vacancy shall be filled (or, as the case may be, remain unfilled) as if it were a casual vacancy (see section 11 of the Greater London Authority Act 1999).
- (4) If the election is declared void, a new election shall be held in the same manner as at an ordinary election.
 - (5) The date of the poll at the new election shall be fixed by the Greater London returning officer.
 - (6) The date fixed shall be no later than three months after the receipt by the Greater London returning officer of the notice under subsection (2) above.
 - (7) A new election shall not be held if the latest date which may be fixed for the poll falls within the period of three months preceding an ordinary election.
 - (8) If the determination of the election court is that the election is void, the Greater London returning officer shall inform the returning officer for each Assembly constituency of—
 - (a) the contents of the notice under subsection (2) above; and
 - (b) the date fixed for the poll at the new election.
 - (9) The results of the elections of the constituency members of the London Assembly at the last ordinary election shall have effect for the purposes of ascertaining the results of the new election.”

Conclusion of trial of local election petition

- 33 (1) Section 145 shall be amended as follows.
- (2) After subsection (1) (which specifies the questions to be determined by the election court) there shall be inserted—
- “(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, for the words from “shall determine” to “void,” there shall be substituted “shall determine whether—
- (a) the person or persons whose return is complained of were duly returned,
 - (b) some other person or persons should have been declared to be returned, or
 - (c) the election was void.””

Election court determination in respect of election of Mayor or constituency member

- 34 After section 145 there shall be inserted—

“145A Determination in respect of election of Mayor of London or constituency member of London Assembly

- (1) This section applies where the election court makes a determination under section 145 above in respect of—

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- (a) the election of the Mayor of London, or
 - (b) the election of a constituency member of the London Assembly,
and the conditions in subsections (2) and (3) below are satisfied.
- (2) The first condition is that the determination of the election court is—
- (a) that the person whose election is complained of was not duly elected;
or
 - (b) that the election was void.
- (3) The second condition is that the return of that person at that election was taken into account for the purpose of deciding which persons were to be returned as London members of the London Assembly.
- (4) Where this section applies, the validity of the return of the London members of the London Assembly shall not be affected by—
- (a) the determination of the election court; or
 - (b) in a case falling within subsection (1)(b) above, the subsequent return of a person as the constituency member for the Assembly constituency concerned.”

Candidate reported guilty of corrupt or illegal practice

- 35 (1) Section 159 shall be amended as follows.
- (2) In subsection (3) (reported candidate to be incapable of holding corporate office in the local government area concerned etc) in the definition of “corporate office” after “in England and Wales means the office of” there shall be inserted “Mayor of London or member of the London Assembly, of”.

Avoidance of election for employing corrupt agent

- 36 (1) Section 165 shall be amended as follows.
- (2) After subsection (3) (vote given for person incapable of being elected by reason of employing corrupt agent not to be deemed to be thrown away unless given for same person at a poll consequent on the decision of an election court) there shall be added—
- “(4) In the case of an election of the Mayor of London, a vote deemed in accordance with subsection (3) above to be thrown away shall be so deemed only to the extent that it is a vote given so as to indicate that the person who was under the incapacity is the voter’s first or second preference from among the candidates.”

References to elections under the local government Act to include Authority elections

- 37 After section 189 there shall be inserted—

“The Greater London Authority

189A Extension of references to elections under the local government Act

For the purposes of—

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- (a) Part II of this Act,
- (b) Part III of this Act, and
- (c) section 189 above,

any reference to an election under the local government Act includes a reference to an Authority election.”

General provisions as to interpretation

38 (1) Section 202 shall be amended as follows.

(2) In subsection (1)—

- (a) in the definition of “election”, after “parliamentary election” there shall be inserted “, an Authority election”;
- (b) in paragraph (b) of the definition of “election court”, after “questioning” there shall be inserted “an Authority election or”;
- (c) for the definition of “proper officer” there shall be substituted—

““proper officer”—

- (a) in relation to the Greater London Authority, has the same meaning as in the 1999 Act (see section 424(2) of that Act);
- (b) except as provided by paragraph (a) above, in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the Local Government Act 1972;”.

(3) In subsection (1), after the definition of “proper officer” there shall be inserted—

““registered political party” means a party registered under the Registration of Political Parties Act 1998.”

Interpretation: local government provisions

39 (1) Section 203 (local government provisions as to England and Wales) shall be amended as follows.

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

““the 1999 Act” means the Greater London Authority Act 1999;”;

““Assembly constituency” has the same meaning as in the 1999 Act (see section 2(4) and (5) of that Act);”;

““Authority election” means—

- (a) any election of the Mayor of London;
- (b) any election of a constituency member of the London Assembly;
- or
- (c) the election of the London members of the London Assembly at an ordinary election;”;

““constituency member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;”;

““election of a constituency member of the London Assembly” means—

- (a) any such election at an ordinary election; or

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(b) an election under section 10 of the 1999 Act (election to fill a vacancy in an Assembly constituency);”;

““election of the Mayor of London” means—

- (a) any such election at an ordinary election; or
- (b) an election under section 16 of the 1999 Act (election to fill a vacancy in the office of Mayor of London);”;

““London member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;”.

(3) In subsection (1), in the definition of “electoral area”, after “means” there shall be inserted “(a)” and at the end of the definition there shall be added—

- “(b) Greater London, in the case of—
 - (i) any election of the Mayor of London; or
 - (ii) the election of the London members of the London Assembly at an ordinary election;
- (c) any Assembly constituency for which the election of a constituency member of the London Assembly is held;”.

(4) In subsection (1)—

- (a) in the definition of “local authority”, after “means” there shall be inserted “the Greater London Authority,”;
- (b) in the definition of “local government area”, after “means” there shall be inserted “Greater London,”;
- (c) in the definition of “local government election”, after “means” there shall be inserted “(a)” and at the end of the definition there shall be added “; or
(b) any Authority election”.

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

“(1A) In the application of this Act in relation to England and Wales, unless the context otherwise requires, any reference to—

- (a) a local government election, or
- (b) an election under the local government Act,

shall be taken to include a reference to an Authority election.

(1B) Any reference in this Act to a registered political party submitting a list of candidates to be London members of the London Assembly at an ordinary election shall be construed in accordance with section 4(5)(a) of, and Part II of Schedule 2 to, the 1999 Act; and related expressions shall be construed accordingly.”

(6) For subsection (2) (application of Part I in relation to the City and parliamentary elections) there shall be substituted—

“(2) The following provisions of this Act, namely—

- (a) Part I, so far as it has effect for the purposes of parliamentary elections, and
- (b) Parts I to III, so far as they have effect for the purposes of Authority elections,

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shall (subject to any express provision contained in the Part or Parts in question) apply in relation to the City as if the City were a London borough and the Common Council were a London borough council.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

SCHEDULE 4

Section 37.

EXERCISE OF FUNCTIONS DURING VACANCY OR TEMPORARY INCAPACITY OF MAYOR

PART I

INTERPRETATION

- 1 Any reference in this Schedule to a period when the Mayor is temporarily unable to act is a reference to a period when—
- (a) there is no vacancy in the office of Mayor; but
 - (b) the Mayor is unable to act in his office by reason of illness, imprisonment or absence abroad or for any other reason;
- and references to the Mayor being temporarily unable to act shall be construed accordingly.

PART II

VACANCIES IN THE OFFICE OF MAYOR

Notice of vacancy in office of Mayor

- 2 (1) If a casual vacancy occurs in the office of Mayor, the proper officer of the Authority shall give notice of the vacancy—
- (a) to the Deputy Mayor, if there is a holder of that office; or
 - (b) in any other case, to the Chair of the Assembly.
- (2) Any notice under sub-paragraph (1) above shall be given as soon as practicable after the date on which the vacancy is to be regarded by virtue of section 15(1) of this Act as occurring.

Provision for acting Mayor during vacancy

- 3 During any vacancy in the office of Mayor there shall be an acting Mayor of London (in this Act referred to as the “acting Mayor”).

Filling the office of acting Mayor

- 4 (1) If a person holds the office of Deputy Mayor on the date on which a vacancy in the office of Mayor occurs, that person shall be the acting Mayor unless, within the permitted period—

- (a) he gives notice to the proper officer of the Authority that he does not wish to be the acting Mayor; or
 - (b) he does not give a notice under paragraph (a) above and does not deliver a declaration under paragraph 8(1) below.
- (2) If a person becomes the acting Mayor by virtue of being the Deputy Mayor—
- (a) he shall cease to be the Deputy Mayor; and
 - (b) he shall not be the Deputy Mayor, the Chair of the Assembly or the Deputy Chair of the Assembly at any time while he is the acting Mayor.
- (3) If, by virtue of sub-paragraph (1) above, the person who is the Deputy Mayor does not become the acting Mayor, the proper officer of the Authority shall give notice of that fact to the Chair of the Assembly as soon as practicable after—
- (a) receipt of any notice under sub-paragraph (1)(a) above; or
 - (b) if no such notice is given, the last day of the permitted period.
- (4) Where notice is given to the Chair of the Assembly—
- (a) under paragraph 2(1)(b) above, or
 - (b) under sub-paragraph (3) above,
- the person who is the Chair of the Assembly shall be the acting Mayor.
- (5) If a person becomes acting Mayor by virtue of being the Chair of the Assembly—
- (a) he shall cease to be the Chair of the Assembly; and
 - (b) he shall not be the Deputy Mayor, the Chair of the Assembly or the Deputy Chair of the Assembly at any time while he is the acting Mayor.
- (6) In this paragraph “the permitted period” means the period of seven days following the day on which notice under paragraph 2(1)(a) above is given to the Deputy Mayor.

Acting Mayor to be treated as Mayor during vacancy

- 5 (1) If and so long as there is an acting Mayor—
- (a) any functions exercisable by the Mayor shall be exercisable instead by the acting Mayor; and
 - (b) any functions exercisable by the Mayor and the Assembly acting jointly shall be exercisable instead by the acting Mayor and the Assembly acting jointly;
- and, for the period of the vacancy, the acting Mayor shall accordingly be treated as if he were the Mayor.
- (2) Sub-paragraph (1) above is subject to the following provisions of this Part of this Schedule.

Functions which are not to be exercisable by acting Mayor

- 6 (1) Paragraph 5(1)(a) above does not apply in relation to—
- (a) any function exercisable under Schedule 6 or 7 to this Act;
 - (b) any functions in relation to the preparation, alteration or replacement of any strategies under this Act; or
 - (c) any function of making an appointment mentioned in sub-paragraph (2) below.
- (2) The appointments mentioned in sub-paragraph (1)(c) above are—

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- (a) any appointment of a member of any of the functional bodies;
- (b) any appointment of a member of any other body corporate under or by virtue of this Act;
- (c) any appointment under subsection (1) of section 67 of this Act.

Acting Mayor not to act as Assembly member except in relation to budget

- 7 (1) While a person is the acting Mayor, he shall not act as an Assembly member except in relation to the functions of the Assembly under Schedule 6 or 7 to this Act.
- (2) Any period during which sub-paragraph (1) above has effect in relation to a person shall be left out of account in applying section 6 of this Act in relation to that person.

Declaration of acceptance by Deputy Mayor

- 8 (1) A person shall not, by virtue of being Deputy Mayor,—
- (a) become the acting Mayor, or
 - (b) exercise any functions by virtue of paragraph 5 above,
- unless and until he has made, and delivered to the proper officer of the Authority within the permitted period, a declaration of acceptance in a form prescribed in an order made by the Secretary of State.
- (2) In sub-paragraph (1) above, “permitted period” has the same meaning as in paragraph 4 above.
- (3) Subsections (3) and (4) of section 28 of this Act shall apply to a declaration under sub-paragraph (1) above as they apply to a declaration under that section.

Consequences of making the declaration

- 9 (1) This paragraph applies where the acting Mayor makes the declaration required by paragraph 8(1) above.
- (2) Where this paragraph applies—
- (a) the acting Mayor shall resign his membership of the Metropolitan Police Authority; and
 - (b) the Chair of the Assembly shall fill the vacancy so arising by appointing another member of the Assembly to be a member of the Metropolitan Police Authority in place of the acting Mayor.

Declaration of acceptance by Chair of Assembly

- 10 A person who becomes acting Mayor by virtue of being the Chair of the Assembly shall not act in the office of acting Mayor unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.

Setting the budget during a vacancy

- 11 If, at any time when proceedings under Schedule 6 or 7 to this Act are taking place in respect of any year, there is a vacancy in the office of Mayor, those and any subsequent proceedings under the Schedule in question in respect of that year shall proceed as if the Mayor had failed to fulfil his duties under that Schedule.

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Occurrence of vacancy in office of acting Mayor

- 12 (1) If, at any time during a vacancy in the office of Mayor, a casual vacancy occurs in the office of acting Mayor, the head of the Authority's paid service shall give notice of the vacancy—
- (a) to the Chair of the Assembly, and
 - (b) to the Deputy Mayor, if there is a holder of that office,
- and this Part of this Schedule (other than paragraph 2 above) shall have effect as if a vacancy in the office of Mayor had arisen on the date on which the vacancy in the office of acting Mayor occurs.
- (2) For the purposes of this paragraph, the cases in which, and the date on which, a casual vacancy occurs in the office of acting Mayor are the cases in which, and the date on which, a casual vacancy—
- (a) occurs in the acting Mayor's office as an Assembly member; or
 - (b) would have occurred in the office of Mayor, had the acting Mayor been the Mayor.
- (3) Any notice under sub-paragraph (1) above shall be given as soon as practicable after the date on which, by virtue of sub-paragraph (2) above, the vacancy is, in accordance with section 9 or 15 of this Act, to be regarded as occurring.

PART III

MAYOR TEMPORARILY UNABLE TO ACT NOTICE OF MAYOR'S TEMPORARY INABILITY TO ACT

- 13 (1) If the head of the Authority's paid service becomes aware that the Mayor is temporarily unable to act, he shall as soon as reasonably practicable give notice of that fact—
- (a) to the Chair of the Assembly; and
 - (b) to the Deputy Mayor, if there is a holder of that office.
- (2) For the purposes of the following provisions of this Part of this Schedule, any period when the Mayor is temporarily unable to act shall be taken to begin with the giving of the notice required by sub-paragraph (1) above.

Deputy Mayor to be treated as Mayor during the period

- 14 (1) During any period when the Mayor is temporarily unable to act—
- (a) any functions exercisable by the Mayor shall be exercisable instead by the Deputy Mayor; and
 - (b) any functions exercisable by the Mayor and the Assembly acting jointly shall be exercisable instead by the Deputy Mayor and the Assembly acting jointly;
- and, for that period, the Deputy Mayor shall accordingly be treated as if he were the Mayor.
- (2) Sub-paragraph (1) above is subject to the following provisions of this Part of this Schedule.

Functions which are not to be exercisable by Deputy Mayor

- 15 (1) Paragraph 14(1)(a) above does not apply in relation to—

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- (a) any functions exercisable under Schedule 6 or 7 to this Act;
- (b) any functions in relation to the preparation, alteration or replacement of strategies under this Act; or
- (c) any function of making an appointment mentioned in sub-paragraph (2) below.

- (2) The appointments mentioned in sub-paragraph (1)(c) above are—
- (a) any appointment of a member of any of the functional bodies;
 - (b) any appointment of a member of any other body corporate under or by virtue of this Act;
 - (c) any appointment under subsection (1) of section 67 of this Act.

Setting the budget during the period

- 16 If, at any time when proceedings under Schedule 6 or 7 to this Act are taking place in respect of any year, the Mayor is temporarily unable to act, those and any subsequent proceedings under the Schedule in question in respect of that year shall proceed as if the Mayor had failed to fulfil his duties under that Schedule.

Mayor unable to act for three consecutive months

- 17 If the Mayor has been temporarily unable to act for a period of three consecutive months—
- (a) the Deputy Mayor shall resign his membership of the Metropolitan Police Authority; and
 - (b) the Chair of the Assembly shall fill the vacancy so arising by appointing another member of the Assembly to be a member of the Metropolitan Police Authority in place of the Deputy Mayor.

Exercise of Mayor's functions by Chair

- 18 (1) This paragraph applies in relation to any period (or, as the case may be, the remainder of any period) when the Mayor is temporarily unable to act, if—
- (a) at the beginning of that period there is no Deputy Mayor; or
 - (b) the person who, at the beginning of that period, is the Deputy Mayor gives notice to the proper officer of the Authority, within the permitted time, that he does not wish to exercise the functions of the Mayor pursuant to paragraph 14 above; or
 - (c) a casual vacancy occurs in the office of Deputy Mayor during that period;
- and in paragraph (b) above “the permitted time” means the period of seven days following the day on which notice under paragraph 13(1)(b) above is given to the Deputy Mayor.
- (2) Where this paragraph applies—
- (a) paragraphs 14 and 15 above shall have effect with the substitution for references to the Deputy Mayor of references to the Chair of the Assembly; and
 - (b) paragraph 17 above shall be disregarded, but without prejudice to any action taken under paragraph (a) or (b), or required to be taken under paragraph (b), of that paragraph.

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- (3) If and so long as functions are exercisable by virtue of paragraph 14 above by the Chair of the Assembly, he shall not exercise any of the other functions of Chair of the Assembly.
- (4) If and so long as the Chair of the Assembly is precluded by sub-paragraph (3) above from exercising any of his functions, those functions shall be exercisable instead by the Deputy Chair of the Assembly.
- (5) If and so long as any functions of the Chair of the Assembly are, by virtue of sub-paragraph (4) above, exercisable by the Deputy Chair of the Assembly, the Deputy Chair of the Assembly shall not exercise any of his other functions.
- (6) If and so long as the Deputy Chair of the Assembly is precluded by sub-paragraph (5) above from exercising any of his functions, those functions shall be exercisable instead by a person (“the acting Deputy Chair”) elected for the purpose at a meeting of the Assembly from among the Assembly members.
- (7) A person must not at the same time hold office as acting Deputy Chair and as Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly.
- (8) If the acting Deputy Chair becomes Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly, a vacancy shall occur in the office of acting Deputy Chair.

SCHEDULE 5

Section 77.

PROMOTION OF BILLS IN PARLIAMENT BY THE AUTHORITY

Preliminary requirements

- 1 No Bill may be deposited in Parliament by virtue of section 77(1)(a) of this Act until the requirements of paragraphs 2 and 4 below have been complied with.

Consultation on draft Bill

- 2 (1) The Mayor shall—
- (a) prepare a draft of the proposed Bill (“the draft Bill”);
 - (b) send copies of the draft Bill to the bodies specified in sub-paragraph (2) below; and
 - (c) consult those bodies about the draft Bill.
- (2) Those bodies are—
- (a) the Assembly;
 - (b) every London borough council; and
 - (c) the Common Council.
- (3) Where the Mayor sends copies of the draft Bill to those bodies pursuant to sub-paragraph (1)(b) above, he shall also give those bodies notice of the time within which, and the place at which, they may make representations about the draft Bill.

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Publicity for, and exposure of, the draft Bill

- 3
- (1) Throughout the consultation period, the Mayor shall take such steps as in his opinion will give adequate publicity to the draft Bill.
 - (2) A copy of the draft Bill 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
 - (b) at such other places as the Mayor considers appropriate, at reasonable hours throughout the consultation period.
 - (3) A copy of the draft Bill, or of any part of the draft Bill, shall be supplied to any person on request during the consultation period for such reasonable fee as the Mayor may determine.
 - (4) In this paragraph “the consultation period” means the period which—
 - (a) begins with the first day after the requirements of paragraph 2(1)(b) above have been complied with; and
 - (b) ends with the time notified pursuant to paragraph 2(3) above.

Consultation on revised draft Bill

- 4
- (1) If, after considering any representations made about the draft Bill pursuant to paragraph 2 above, the Mayor decides to continue with the proposal for a Bill to be promoted, he shall prepare a revised draft of the proposed Bill (“the revised draft Bill”).
 - (2) The revised draft Bill must be in the form of the draft Bill, either as originally prepared or as modified to take account of—
 - (a) representations made pursuant to paragraph 2 above;
 - (b) other representations made within the consultation period; or
 - (c) other material considerations.
 - (3) After the expiration of at least 30 days from the beginning of the consultation period, the Mayor shall—
 - (a) send a copy of the revised draft Bill to the Assembly; and
 - (b) consult the Assembly about it.
 - (4) Where the Mayor sends a copy of the revised draft Bill to the Assembly pursuant to sub-paragraph (3)(a) above, he shall also give the Assembly notice of the period within which it may make representations to him about the revised draft Bill.
 - (5) The period specified under sub-paragraph (4) above must be such as will afford the Assembly a reasonable opportunity to consider the revised draft Bill and make representations about it to the Mayor.
 - (6) In this paragraph “the consultation period” has the same meaning as in paragraph 3 above.

Deposition of the Bill in Parliament

- 5
- If, after the requirements of paragraph 4 above have been complied with, a Bill is deposited in Parliament by virtue of section 77(1)(a) of this Act, that Bill must be

in the form of the revised draft Bill, either as originally prepared or as modified to take account of—

- (a) representations made by the Assembly pursuant to paragraph 4 above; or
- (b) other material considerations.

Bills affecting statutory functions of London local authorities

6 If a Bill proposed to be deposited in Parliament by virtue of section 77(1)(a) of this Act contains provisions affecting the exercise of statutory functions by a London local authority, the Bill shall not be deposited in Parliament unless—

- (a) in a case where the exercise of statutory functions of one London local authority is affected, that authority has given its written consent to the Bill in the form in which it is to be so deposited; or
- (b) in a case where the exercise of statutory functions of two or more London local authorities is affected, at least 90 per cent. of all London local authorities have given their written consent to the Bill in that form.

(2) In this paragraph “London local authority” means—

- (a) a London borough council; or
- (b) the Common Council.

Publicity for the deposited Bill

7 (1) This paragraph applies where a Bill (“the deposited Bill”) is deposited in Parliament by virtue of section 77(1)(a) of this Act.

(2) During the period of 14 days following the day on which the deposited Bill is deposited in Parliament, the Mayor shall take such steps as in his opinion will give adequate publicity to the Bill.

(3) A copy of the deposited Bill 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
- (b) at such other places as the Mayor considers appropriate,

at reasonable hours throughout the period while the Bill is in Parliament.

(4) A copy of the deposited Bill, or of any part of the deposited Bill, shall be supplied to any person on request during that period for such reasonable fee as the Mayor may determine.

SCHEDULE 6

Section 87.

PROCEDURE FOR DETERMINING THE AUTHORITY’S CONSOLIDATED BUDGET REQUIREMENT

Preliminary

1 (1) It shall be the duty of the Mayor and the Assembly, in accordance with the following provisions of this Schedule, to prepare and approve for each financial year—

- (a) a budget for each of the constituent bodies as such (a “component budget”); and

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- (b) a consolidated budget for the Authority (a “consolidated budget”).
- (2) A component budget must consist of statements of—
- (a) the amount of the component budget requirement for the constituent body concerned; and
 - (b) the calculations under section 85(4) to (7) of this Act which give rise to that amount.
- (3) A consolidated budget must consist of statements of—
- (a) the amount of the Authority’s consolidated budget requirement;
 - (b) the amount of the component budget requirement for each constituent body; and
 - (c) the calculations under section 85(4) to (8) of this Act which give rise to each of the amounts mentioned in paragraphs (a) and (b) above.
- (4) In this Schedule “public meeting”, in relation to the Assembly, means a meeting of the Assembly throughout which members of the public are entitled to be present.

Mayor’s draft component budget for each constituent body

- 2
- (1) For each financial year, the Mayor shall prepare a draft of his proposed component budget for each of the constituent bodies (a “draft component budget”).
 - (2) Before preparing the draft component budget for the Authority, the Mayor shall consult the Assembly.
 - (3) Before preparing the draft component budget for a functional body, the Mayor shall consult the body.

Draft consolidated budget

- 3
- (1) After the Mayor has prepared the draft component budgets under paragraph 2 above, he shall prepare a draft of his proposed consolidated budget for the financial year (the “draft consolidated budget”).
 - (2) Before finally determining the contents of the draft consolidated budget, the Mayor shall consult—
 - (a) the Assembly, if paragraph (b) below does not apply, or
 - (b) if the Assembly has so resolved, such committee or other representatives of the Assembly as may be specified in, or determined in accordance with, the resolution,
 and (in either case) such other bodies or persons as appear appropriate to the Mayor.
 - (3) The Mayor shall—
 - (a) present the draft consolidated budget to the Assembly at a public meeting of the Assembly; and
 - (b) publish it in such manner as he may determine.
 - (4) It shall be the duty of the Mayor to comply with paragraph 2 and sub-paragraphs (1) to (3) above on or before 1st February in the financial year preceding that to which the draft consolidated budget relates.

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Failure of Mayor to comply with paragraph 3(4)

- 4 (1) If the Mayor fails to comply with paragraph 3(4) above, the Assembly shall—
- (a) prepare a draft component budget for each functional body, after consultation with that body;
 - (b) prepare a draft component budget for the Authority; and
 - (c) prepare a draft consolidated budget.
- (2) If, at a public meeting of the Assembly, the draft consolidated budget prepared under sub-paragraph (1)(c) above is approved by the Assembly—
- (a) that draft, as so approved, shall be the Authority’s consolidated budget for the financial year to which it relates; and
 - (b) the following provisions of this Schedule shall not apply in relation to the consolidated budget or the component budgets for that financial year.

Assembly consideration of Mayor’s draft budget

- 5 (1) This paragraph applies where the Mayor presents a draft consolidated budget to the Assembly in accordance with paragraph 3 above.
- (2) The draft consolidated budget must be considered at a public meeting of the Assembly.
- (3) The Assembly must approve the draft consolidated budget, together with the draft component budgets comprised in it, with or without amendment.
- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by the Assembly.
- (5) If no amendments are made on consideration of the draft consolidated budget (whether to that budget or to any of the draft component budgets comprised in it) the draft consolidated budget shall be deemed to be approved without amendment.

The Mayor’s final draft of the proposed consolidated budget

- 6 (1) After—
- (a) the draft consolidated budget has been approved (with or without amendment) under paragraph 5 above, or
 - (b) such period as the Mayor considers reasonable has elapsed without the draft consolidated budget having been so approved,
- the Mayor shall prepare a final draft of his proposed consolidated budget for the financial year (the “final draft budget”).
- (2) In a case falling within paragraph (b) of sub-paragraph (1) above—
- (a) the Mayor shall lay before the Assembly in accordance with the standing orders of the Authority a statement that he is proceeding by virtue of that paragraph; and
 - (b) on the laying of the statement, the Assembly shall be deemed to have approved the draft consolidated budget without amendment.
- (3) Whether the Assembly have approved the draft consolidated budget with or without amendment, the final draft budget may be—
- (a) the draft consolidated budget, as approved by the Assembly, with the amendments (if any) made under paragraph 5 above;

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- (b) the draft consolidated budget amended by the Mayor as he considers appropriate; or
 - (c) the same as the draft consolidated budget.
- (4) The Mayor shall—
- (a) present the final draft budget to the Assembly; and
 - (b) publish it in such manner as he may determine.
- (5) If—
- (a) the Assembly approved the draft consolidated budget with amendments under paragraph 5 above, but
 - (b) the final draft budget is anything other than the draft consolidated budget with those amendments,
- the Mayor, at the time when he presents the final draft budget to the Assembly, shall lay before the Assembly in accordance with standing orders of the Authority a written statement of his reasons for preparing a final draft budget which is not the draft consolidated budget with those amendments.
- (6) It shall be the duty of the Mayor (having regard to paragraph 8(7) below) to comply with sub-paragraph (4) above before the last day of February in the financial year preceding that to which the final draft budget relates.

Failure of Mayor to present final draft budget

- 7
- (1) This paragraph applies if the Mayor has complied with paragraph 3(4) above but has failed to comply with paragraph 6(6) above.
 - (2) Where this paragraph applies, a public meeting of the Assembly shall be held to determine the Authority’s consolidated budget requirement.
 - (3) The component budget requirement of each of the constituent bodies shall be agreed by the Assembly.
 - (4) The Authority’s consolidated budget requirement shall be deemed to be agreed by the Assembly accordingly.
 - (5) Where this paragraph applies, the following provisions of this Schedule shall not apply in relation to the consolidated budget or the component budgets for the financial year in question.

Approval of Mayor’s final draft budget by Assembly

- 8
- (1) This paragraph applies where the Mayor presents a final draft budget to the Assembly in accordance with paragraph 6 above.
 - (2) The final draft budget must be considered at a public meeting of the Assembly.
 - (3) After considering the final draft budget, the Assembly must approve it with or without amendment.
 - (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by at least two-thirds of the Assembly members voting.
 - (5) If no amendments are made on consideration of the final draft budget, the final draft budget shall be deemed to be approved without amendment.

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- (6) The final draft budget as approved by the Assembly with or without amendment shall be the Authority's consolidated budget for the financial year.
- (7) It shall be the duty of the Assembly to approve the final draft budget with or without amendment before the last day of February in the financial year preceding that to which the final draft budget relates.

Failure of Assembly to approve final draft budget

- 9 If the Assembly fails to comply with paragraph 8(7) above, the final draft budget presented to the Assembly in accordance with paragraph 6 above shall be the Authority's consolidated budget for the financial year.

Regulations amending dates

- 10 The Secretary of State may by regulations modify this Schedule in its application in relation to any particular financial year, by substituting for any reference to 1st February in the preceding financial year a reference to such other day as may be specified in the regulations.

Publication

- 11 (1) The Mayor shall as soon as practicable publish each of the following documents—
 - (a) the Authority's consolidated budget for the year; and
 - (b) the component budget of each constituent body for the year.
- (2) In this paragraph "relevant document" means any document required to be published under sub-paragraph (1) above.
- (3) A copy of each relevant document 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.
- (4) A copy of any relevant document, or any part of a relevant document, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (5) In this paragraph "the appropriate period" in the case of any document is the period of six years beginning with the date of publication of the document pursuant to this paragraph.

SCHEDULE 7

Section 98.

PROCEDURE FOR MAKING OF SUBSTITUTE CALCULATIONS BY THE AUTHORITY

Preliminary

- 1 (1) This Schedule applies in relation to any substitute calculations which are required to be made in accordance with it.
- (2) In this Schedule "public meeting", in relation to the Assembly, means a meeting of the Assembly throughout which members of the public are entitled to be present.

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The Mayor's first draft

- 2 (1) The Mayor shall prepare a draft of his proposals for the substitute calculations (“the first draft”).
- (2) Before finally determining the contents of the first draft, the Mayor shall consult—
- (a) the Assembly; and
 - (b) each of the functional bodies affected by the proposals.
- (3) The Mayor shall—
- (a) lay the first draft before the Assembly in accordance with standing orders of the Authority; and
 - (b) publish it in such manner as he may determine.

Failure of Mayor to comply with paragraph 2(3)

- 3 (1) This paragraph applies if the Mayor has not complied with paragraph 2(3) above before the beginning of the period of restriction for the purposes of section 96 of this Act or section 52K or 52V of the Local Government Finance Act 1992.
- (2) Where this paragraph applies, the Assembly shall prepare a draft of their proposals for the substitute calculations, after consulting each of the functional bodies affected by the proposals.
- (3) If, at a public meeting of the Assembly, the draft proposals prepared under sub-paragraph (2) above are approved by the Assembly—
- (a) the Authority’s substitute calculations shall be the substitute calculations in that draft as so approved; and
 - (b) the following provisions of this Schedule shall not apply in relation to the substitute calculations.

Assembly consideration of Mayor's first draft

- 4 (1) This paragraph applies where the Mayor has laid the first draft before the Assembly in accordance with paragraph 2 above.
- (2) The first draft must be considered at a public meeting of the Assembly.
- (3) The Assembly must approve the first draft with or without amendment.
- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by the Assembly.
- (5) If no amendments are made on consideration of the first draft, the first draft shall be deemed to be approved without amendment.

The Mayor's final draft

- 5 (1) After—
- (a) the first draft has been approved (with or without amendment) under paragraph 4 above, or
 - (b) such period as the Mayor considers reasonable has elapsed without the first draft having been so approved,

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the Mayor shall prepare a final draft of his proposals for the substitute calculations (“the final draft”).

- (2) In a case falling within paragraph (b) of sub-paragraph (1) above—
 - (a) the Mayor shall lay before the Assembly in accordance with standing orders of the Authority a statement that he is proceeding by virtue of that paragraph; and
 - (b) on the laying of the statement, the Assembly shall be deemed to have approved the first draft without amendment.
- (3) Whether the Assembly have approved the first draft with or without amendment, the final draft may be—
 - (a) the first draft, as approved by the Assembly, with the amendments (if any) made under paragraph 4 above;
 - (b) the first draft amended by the Mayor as he considers appropriate; or
 - (c) the same as the first draft.
- (4) The Mayor shall—
 - (a) present the final draft to the Assembly; and
 - (b) publish it in such manner as he may determine.
- (5) If—
 - (a) the Assembly approved the first draft with amendments under paragraph 4 above, but
 - (b) the final draft is anything other than the first draft with those amendments, the Mayor, at the time when he presents the final draft to the Assembly, shall lay before the Assembly in accordance with standing orders of the Authority a written statement of his reasons for preparing a final draft which is not the first draft with those amendments.

Failure of Mayor to present a final draft

- 6 (1) This paragraph applies if the Mayor has complied with paragraph 2(3) above but has failed to comply with paragraph 5(4) above before the beginning of the period of restriction for the purposes of section 96 of this Act or section 52K or 52V of the Local Government Finance Act 1992.
- (2) Where this paragraph applies, a public meeting of the Assembly shall be held to determine the Authority’s substitute calculations.
- (3) The substitute calculations shall be agreed by the Assembly.
- (4) Where this paragraph applies, the following provisions of this Schedule shall not apply in relation to the substitute calculations.

Approval of Mayor’s final draft by Assembly

- 7 (1) This paragraph applies where the Mayor presents a final draft to the Assembly in accordance with paragraph 5 above.
- (2) The final draft must be considered at a public meeting of the Assembly.
- (3) After considering the final draft, the Assembly must approve it with or without amendment.

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- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by at least two-thirds of the Assembly members voting.
- (5) If no amendments are made on consideration of the final draft, the final draft shall be deemed to be approved without amendment.
- (6) The Authority's substitute calculations shall be those in the final draft as approved by the Assembly with the amendments (if any) made in accordance with sub-paragraphs (3) and (4) above.

Failure of Assembly to approve final draft within 21 days

- 8 If the Assembly fails to approve the final draft, with or without amendment, before the end of the period of 21 days beginning with the day on which the Mayor presented the final draft, the Authority's substitute calculations shall be those in the final draft presented to the Assembly in accordance with paragraph 5 above.

Publication

- 9 (1) This paragraph applies where any substitute calculations are made in accordance with this Schedule.
- (2) Where this paragraph applies, the Mayor shall as soon as practicable publish a document containing the substitute calculations.
- (3) In this paragraph "relevant document" means any document required to be published under sub-paragraph (2) above.
- (4) A copy of each relevant document 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.
- (5) A copy of any relevant document, or any part of a relevant document, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (6) In this paragraph "the appropriate period" in the case of any document is the period of six years beginning with the date of publication of the document pursuant to this paragraph.

SCHEDULE 8

Section 133.

AMENDMENTS OF THE AUDIT COMMISSION ACT 1998

Preliminary

- 1 The Audit Commission Act 1998 shall be amended as follows.

Transmission and consideration of section 8 reports

- 2 (1) Section 10 shall be amended as follows.

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- (2) In subsection (2) (persons to whom copies of reports are to be sent) after “the Secretary of State” there shall be inserted “and (in the case of a functional body or the London Pensions Fund Authority) to the Mayor of London”.
- (3) In subsection (3) (body concerned to take report into consideration in accordance with sections 11 and 12)—
- (a) after “body concerned” there shall be inserted “(and, in the case of the Greater London Authority, the London Assembly)”; and
 - (b) in paragraph (a), after “in accordance with sections 11” there shall be inserted “, 11A”.
- (4) After subsection (4) (agenda for meeting of the body to be accompanied by the report) there shall be inserted—
- “(4A) In the case of a report relating to the Greater London Authority, subsection (4) shall apply in relation to the meeting of the London Assembly under section 11A(3) (taking the reference to the body as a reference to that Assembly).”

Consideration of reports or recommendations

- 3 (1) Section 11 shall be amended as follows.
- (2) In subsection (1), after “section 12” there shall be inserted “(and, in the case of a report or recommendations sent to the Greater London Authority, section 11A)”.
- (3) After subsection (2) there shall be inserted—
- “(2A) Where a written recommendation within subsection (3) is sent to a functional body or the London Pensions Fund Authority, a copy shall be sent at the same time to the Mayor of London.”
- (4) After subsection (3) there shall be inserted—
- “(3A) In relation to the Greater London Authority, subsections (4) to (7) shall not apply (but section 11A has effect in place of them).”
- (5) After subsection (7) there shall be inserted—
- “(7A) In the case of each of the following bodies, namely—
- (a) Transport for London,
 - (b) the London Development Agency,
 - (c) the London Pensions Fund Authority,
- Part VA of the 1972 Act (access to meetings etc) shall have effect in relation to the meeting as if that body were a principal council, but subject to the provisions of sections 10(5) and (6) and 12(3).”
- (6) After subsection (8) (which prevents delegation under section 101 of the Local Government Act 1972) there shall be inserted—
- “(8A) In the case of the London Development Agency or Transport for London, neither—
- (a) paragraph 7 of Schedule 2 to the Regional Development Agencies Act 1998 (delegation by London Development Agency etc), nor

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(b) paragraph 7 of Schedule 10 to the Greater London Authority Act 1999 (delegation by Transport for London),
shall apply to a duty imposed on either of those bodies by this section.”

4 After section 11 there shall be inserted—

“11A Greater London Authority: consideration of reports and recommendations

- (1) This section applies where—
 - (a) a report under section 8, or
 - (b) any written recommendation within subsection (3) of section 11, is sent to the Greater London Authority in connection with the audit of its accounts.
- (2) The Mayor shall consider the report or recommendation preparatory to making the decisions under subsection (6).
- (3) The Assembly shall consider the report or recommendation at a meeting.
- (4) At that meeting the Assembly shall decide what recommendations to make to the Mayor as to the decisions to be made under subsection (6).
- (5) The Mayor must attend the meeting.
- (6) After the meeting, the Mayor shall decide—
 - (a) whether the report requires the Authority to take any action or whether the recommendation is to be accepted; and
 - (b) what (if any) action to take in response to the report or recommendation.
- (7) In making any decision under subsection (6), the Mayor shall take account of any recommendations made by the Assembly pursuant to subsection (4).
- (8) The duties imposed on the Mayor and Assembly by subsections (2) to (6) must be performed before the end of the period of four months beginning with the day on which the report or recommendation was sent to the Authority.
- (9) If an auditor is satisfied that it is reasonable to allow more time for the performance of those duties in relation to a report or recommendation, he may, in relation to that report or recommendation, extend the period of four months mentioned in subsection (8).
- (10) A period may be extended under subsection (9) whether or not it has already been extended under that subsection once or more than once.
- (11) Any functions of the Mayor under this section must be exercised by the Mayor personally.
- (12) Section 54 of the Greater London Authority Act 1999 (discharge of Assembly functions by committees etc) shall not apply in relation to any function of the Assembly under this section.
- (13) Subsection (9) of section 11 applies in relation to this section as it applies in relation to that section.

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(14) In this section—

“the Assembly” means the London Assembly;

“the Authority” means the Greater London Authority;

“the Mayor” means the Mayor of London.”

Publicity for meetings

5 (1) Section 12 shall be amended as follows.

(2) In subsection (1) (meetings for the purposes of section 11) after “section 11” there shall be inserted “or 11A”.

(3) In subsection (2) (duty to notify auditor of decisions under section 11(5) etc)—

(a) after “as soon as practicable after the meeting” there shall be inserted “(or, in the case of the Greater London Authority, the making of the decisions under section 11A(6))

(b) in paragraph (a), after “section 11(5)” there shall be inserted “or 11A(6)”.

Declaration that item of account is unlawful

6 (1) Section 17 shall be amended as follows.

(2) In subsection (7) (which defines “local authority” as including the bodies there mentioned)—

(a) before paragraph (a) there shall be inserted—

“(aa) the Greater London Authority;”; and

(b) after paragraph (e) there shall be inserted—

“(ee) the Metropolitan Police Authority;”.

(3) After subsection (7) there shall be inserted—

“(8) For the purposes of this section the members of the Greater London Authority are the Mayor of London and the members of the London Assembly.”

Recovery of amount not accounted for etc.

7 (1) Section 18 shall be amended as follows.

(2) In subsection (12) (which applies subsections (6) and (7) of section 17) for “(6) and (7)” there shall be substituted “(6) to (8)”.

Documents relating to police authorities etc

8 (1) Section 32 shall be amended as follows.

(2) After subsection (2) there shall be inserted—

“(3) Any reference in this section to a police authority established under section 3 of the Police Act 1996 includes a reference to the Metropolitan Police Authority.”

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

Studies of Authority by Commission at request of Mayor

- 9 In section 35 (studies at request of bodies subject to audit) after subsection (2) there shall be inserted—

“(2A) Before exercising the power of the Greater London Authority to make a request under subsection (1) above, the Mayor of London shall consult the London Assembly.”

Studies of functional bodies by Commission at request of Mayor

- 10 After section 35 (studies by Commission at request of body subject to audit) there shall be inserted—

“35A Studies for functional bodies at request of Greater London Authority

- (1) The Commission may, at the request of the Mayor of London, promote or undertake studies designed to improve economy, efficiency and effectiveness in the management or operation of any functional body or the London Pensions Fund Authority.
- (2) Before making a request under subsection (1), the Mayor of London shall consult—
 - (a) the body concerned;
 - (b) the London Assembly; and
 - (c) such associations of employees as appear to him to be appropriate.
- (3) The Commission shall charge the Greater London Authority such fees for services provided under this section as will cover the full cost of providing them.
- (4) This section is without prejudice to the power of a functional body or the London Pensions Fund Authority to make a request under section 35(1).”

Restriction on disclosure of information: exceptions

- 11 (1) Section 49 shall be amended as follows.
- (2) In subsection (1) (prohibition on disclosure of information except as provided in the paragraphs of that subsection) after paragraph (d) there shall be inserted—
- “(dd) to the Mayor of London, where the information relates to the Greater London Authority or a functional body;”.

Interpretation and exercise of Authority functions by Mayor etc.

- 12 (1) Section 53 shall be amended as follows.
- (2) In subsection (1), the following definition shall be inserted at the appropriate place—
- ““functional body” means a functional body within the meaning of the Greater London Authority Act 1999 (see section 424(1) of that Act);”.
- (3) After subsection (4) there shall be inserted—

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

(6) Subsection (5) does not apply in relation to any function expressly conferred on the London Assembly.”

SCHEDULE 9

Section 136.

AMENDMENTS TO LOCAL GOVERNMENT FINANCE ACT 1992

Introduction

- 1 Chapter IVA of Part I of the Local Government Finance Act 1992 (which relates to limitation of council tax and precepts and which was inserted by Schedule 1 to the Local Government Act 1999) shall be amended as follows.

Challenge of maximum amount after designation for year under consideration

- 2 (1) Section 52F shall be amended as follows.
- (2) In subsection (6)(a) for “70 and 71” there shall be substituted “85 and 86”.
- (3) In subsection (6)(b) for “80” there shall be substituted “95”.

Duty of designated precepting authority

- 3 (1) Section 52J shall be amended as follows.
- (2) In subsection (1)(a) for “70, 71 and 73 to 75 of and Schedule 6” there shall be substituted “85, 86 and 88 to 90 of and Schedule 7”.
- (3) In subsection (3)—
- (a) in paragraph (a) for “73(2)” there shall be substituted “88(2)”, and
 - (b) in paragraph (b) for “74(3)” there shall be substituted “89(3)”.
- (4) In subsection (6)—
- (a) for “73(2)” (in both places where it occurs) there shall be substituted “88(2)”,
 - (b) for “74(3)” there shall be substituted “89(3)”, and
 - (c) for “74(4)” there shall be substituted “89(4)”.
- (5) In subsection (8)—
- (a) in paragraph (a) for “73(2)” there shall be substituted “88(2)”, and
 - (b) in paragraph (b) for “74(4)” there shall be substituted “89(4)”.
- (6) In subsection (9)—
- (a) for “73 and 74” there shall be substituted “88 and 89”, and
 - (b) for “74(2)” there shall be substituted “89(2)”.
- (7) In subsection (10)(b)—
- (a) for “73(3)(b)” there shall be substituted “88(3)(b)”, and

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(b) for “74(5)(b)” there shall be substituted “89(5)(b)”.

Challenge of maximum amount after designation under section 52M or 52P

- 4 (1) Section 52Q shall be amended as follows.
- (2) In subsection (5)(a) for “70 and 71” there shall be substituted “85 and 86”.
- (3) In subsection (5)(b) for “80” there shall be substituted “95”.

Duty of designated precepting authority

- 5 (1) Section 52U shall be amended as follows.
- (2) In subsections (2)(a) and (3)(a) for “70 to 75” there shall be substituted “85 to 90”.
- (3) In subsection (3)(b) for “70, 71 and 73 to 75 of and Schedule 6” there shall be substituted “85, 86 and 88 to 90 of and Schedule 7”.
- (4) In subsection (6)—
- (a) in paragraph (a) for “73(2)” there shall be substituted “88(2)”, and
 - (b) in paragraph (b) for “74(3)” there shall be substituted “89(3)”.
- (5) In subsection (9)—
- (a) for “73(2)” (in both places where it occurs) there shall be substituted “88(2)”,
 - (b) for “74(3)” there shall be substituted “89(3)”, and
 - (c) for “74(4)” there shall be substituted “89(4)”.
- (6) In subsection (11)—
- (a) for “73(2)” there shall be substituted “88(2)”, and
 - (b) for “74(4)” there shall be substituted “89(4)”.
- (7) In subsection (12)—
- (a) for “73 and 74” there shall be substituted “88 and 89”, and
 - (b) for “74(2)” there shall be substituted “89(2)”.
- (8) In subsection (13)(b)—
- (a) for “73(3)(b)” there shall be substituted “88(3)(b)”, and
 - (b) for “74(5)(b)” there shall be substituted “89(5)(b)”.

Meaning of budget requirement

- 6 In section 52W(2) for “70(8)” there shall be substituted “85(8)”.

SCHEDULE 10

Section 154.

TRANSPORT FOR LONDON

Status and capacity

- 1 (1) Transport for London shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

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

- (2) The members and staff of Transport for London shall not be regarded as civil servants and the property of Transport for London shall not be regarded as property of, or held on behalf of, the Crown.
- (3) It shall be within the capacity of Transport for London to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of its functions.

Membership of Transport for London

- 2 (1) Subject to sub-paragraph (2), Transport for London shall consist of not less than eight nor more than fifteen members, all of whom shall be appointed by the Mayor.
- (2) The Mayor may choose to be a member of Transport for London and where he does so he shall appoint not less than seven nor more than fourteen other members under sub-paragraph (1) above.
- (3) In appointing a person under sub-paragraph (1) above, the Mayor shall have regard to the desirability of ensuring that the members of Transport for London between them have experience in—
 - (a) transport (including in particular the impact of transport on business and the environment),
 - (b) finance and commerce,
 - (c) national and local government,
 - (d) the management of organisations, and
 - (e) the organisation of trade unions, or matters relating to workers generally,and that the membership of Transport for London represents the interests in relation to transport of women and of persons who require transport which is accessible to persons with mobility problems.
- (4) A person may not be appointed to be a member of Transport for London if he is—
 - (a) an Assembly member,
 - (b) a Member of the House of Commons,
 - (c) a Member of the House of Lords,
 - (d) a Member of the European Parliament,
 - (e) a member of the National Assembly for Wales,
 - (f) a member of the Scottish Parliament,
 - (g) a member of the New Northern Ireland Assembly, or
 - (h) a member of a principal council.
- (5) If, at any time after he is appointed, a member of Transport for London becomes a person within sub-paragraph (4)(a) to (h) above, he shall cease to be such a member.
- (6) The terms and conditions of appointment of a member of Transport for London (including conditions as to remuneration) shall be such as the Mayor may determine.
- (7) The Mayor may by notice to a member of Transport for London remove that member from office.

Chairman and deputy chairman

- 3 (1) Subject to sub-paragraph (2), the Mayor shall designate—

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

- (a) one of the members of Transport for London to be chairman of Transport for London, and
 - (b) another of the members to be deputy chairman of Transport for London.
- (2) Where the Mayor is a member of Transport for London, he shall be the chairman.

Staff

- 4 (1) Transport for London may appoint such staff as it considers necessary for assisting it in the exercise of any of its functions.
- (2) The staff of Transport for London shall be appointed on such terms and conditions (including conditions as to remuneration) as Transport for London shall determine.

Proceedings of Transport for London

- 5 (1) Subject to the provisions of this Schedule, Transport for London may regulate its own procedure and that of committees of Transport for London and sub-committees of such committees (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of Transport for London shall not be affected—
- (a) by any vacancy among the members or in the office of chairman or deputy chairman, or
 - (b) by any defect in the appointment of any person as a member, or as chairman or deputy chairman, of Transport for London.

Membership of committees and sub-committees

- 6 (1) A committee of Transport for London or a sub-committee of such a committee may include persons who are not members of Transport for London.
- (2) A person who is a member of a committee of Transport for London or a sub-committee of such a committee but is not a member of Transport for London shall be a non-voting member of the committee or sub-committee.

Delegation by Transport for London

- 7 (1) Subject to any express provision contained in this Act or any Act passed after this Act, Transport for London may arrange for any of its functions to be discharged on its behalf by—
- (a) any committee of Transport for London,
 - (b) any sub-committee of such a committee,
 - (c) any wholly owned subsidiary (within the meaning of section 736(2) of the Companies Act 1985) of Transport for London,
 - (d) any member or officer of Transport for London, or
 - (e) any body of members or officers, or members and officers, of Transport for London.
- (2) Where Transport for London makes arrangements under this paragraph for the discharge of any function, the person or body by whom the function is to be discharged shall exercise the function subject to any conditions imposed by Transport for London.

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- (3) Arrangements made by Transport for London for the discharge of functions under this paragraph shall not prevent Transport for London from exercising those functions.

Delegation by committees, sub-committees, etc

- 8 (1) Where Transport for London makes arrangements for the discharge of any function by a committee under paragraph 7 above, the committee may (subject to any conditions imposed by Transport for London) arrange for the discharge of the function on its behalf by—
- (a) any sub-committee of the committee,
 - (b) any member or officer of Transport for London, or
 - (c) any body of members or officers, or members and officers, of Transport for London.
- (2) Where—
- (a) Transport for London makes arrangements for the discharge of any function by a sub-committee under paragraph 7 above, or
 - (b) a committee of Transport for London makes arrangements for the discharge of any function by a sub-committee under sub-paragraph (1) above,
- the sub-committee may (subject to any conditions imposed by Transport for London or the committee) arrange for the discharge of the function on its behalf by any member or officer of Transport for London, or any body of members or officers, or members and officers, of Transport for London.
- (3) Where a committee or sub-committee makes arrangements under this paragraph for the discharge of any function, the person or body by whom the function is to be discharged shall exercise the function subject to any conditions imposed by the committee or sub-committee.
- (4) Arrangements made by a committee or sub-committee for the discharge of functions under this paragraph shall not prevent the committee or sub-committee from exercising those functions.

Joint committees with local authorities

- 9 (1) Transport for London shall be treated as a local authority for the purposes of the following provisions of the Local Government Act 1972 (arrangements for discharge of functions of a local authority by joint committees with other local authorities)—
- (a) section 101(5),
 - (b) section 102 apart from subsection (1)(a) and subsection (4) to the extent that it would permit Transport for London to appoint a committee which is not a joint committee, and
 - (c) section 103.
- (2) Nothing in section 13 of the Local Government and Housing Act 1989 shall require a person to be treated as a non-voting member of a committee appointed by Transport for London and one or more other local authorities by virtue of section 101(5) of the Local Government Act 1972 if that person—
- (a) is appointed to the committee by Transport for London, and
 - (b) is not a member of Transport for London.

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

Minutes

- 10 (1) Minutes shall be kept of proceedings of Transport for London, of its committees and of sub-committees of such committees.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2) above, those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Application of seal and proof of instruments

- 11 (1) The application of the seal of Transport for London shall be authenticated by the signature of any member, officer or member of staff of Transport for London who has been authorised for the purpose, whether generally or specially, by Transport for London.
- (2) In sub-paragraph (1) above the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced; and, in paragraph 12 below, the word “signed” shall be construed accordingly.

Documents served etc by or on Transport for London

- 12 (1) Any document which Transport for London is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of Transport for London by any member, officer or member of staff of Transport for London who has been authorised for the purpose, whether generally or specially, by Transport for London.
- (2) Every document purporting to be an instrument made or issued by or on behalf of Transport for London and to be duly executed under the seal of Transport for London, or to be signed or executed by a person authorised by Transport for London for the purpose, shall be received in evidence and be treated, without further proof, as being so made or so issued unless the contrary is shown.
- (3) Any notice which is required or authorised, by or under any provision of any other Act, to be given, served or issued by, to or on Transport for London shall be in writing.

Members' interests

- 13 (1) If a member of Transport for London has any interest, whether direct or indirect, and whether pecuniary or not, in any matter that is brought up for consideration at a meeting of Transport for London he shall disclose the nature of the interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting; and
- (b) the member shall not take any part in any deliberation or decision of Transport for London, or any of its committees or sub-committees, with respect to that matter.
- (2) A member need not attend in person at a meeting of Transport for London in order to make a disclosure which he is required to make under this paragraph if he takes

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reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

- (3) The Mayor may, subject to such conditions as he considers appropriate, remove any disability imposed by virtue of this paragraph in any case where the number of members of Transport for London disabled by virtue of this paragraph at any one time would be so great a proportion of the whole as to impede the transaction of business.
- (4) The power of the Mayor under sub-paragraph (3) above includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Mayor.
- (5) Where the Mayor exercises the power under sub-paragraph (3) above to remove a disability—
 - (a) he shall notify Transport for London that he has done so, and of his reasons for doing so, and
 - (b) the removal of the disability and the Mayor’s reasons shall be recorded in the minutes of Transport for London.
- (6) If any person fails to comply with the provisions of sub-paragraph (1) above, he shall for each offence be liable on summary conviction to a fine not exceeding level 4 on the standard scale unless he proves that he did not know that the contract, proposed contract or other matter in which he had the interest was the subject of consideration at the meeting.
- (7) A prosecution for an offence under this paragraph shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (8) Transport for London may provide for the exclusion of a member from a meeting of Transport for London while any contract, proposed contract or other matter in which he has such an interest as is mentioned in sub-paragraph (1) above is under consideration.
- (9) Section 95 of the Local Government Act 1972 (pecuniary interests for the purposes of section 94) shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- (10) Section 96 of that Act (general notices and recording of disclosures for the purposes of section 94) shall apply for the purposes of this paragraph, but taking—
 - (a) any reference to a proper officer of the authority as a reference to an officer appointed by Transport for London for the purpose;
 - (b) any reference to a member of the authority as a reference to a member of Transport for London;
 - (c) any reference to premises owned by the authority as a reference to premises owned by Transport for London; and
 - (d) any reference to section 94 of that Act as a reference to this paragraph.
- (11) Subsections (4) and (5) of section 97 of that Act (disregard of certain interests for the purposes of section 94) shall apply in relation to this paragraph as they apply in relation to section 94 of that Act, but as if—
 - (a) the members of Transport for London were members of a local authority; and
 - (b) in subsection (5), for “a pecuniary interest” there were substituted “an interest (whether pecuniary or not)”.

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

- (12) Section 19 of the Local Government and Housing Act 1989 (members' interests) shall apply as if—
- (a) Transport for London were a local authority;
 - (b) the members of Transport for London were the members of that local authority;
 - (c) an officer appointed by Transport for London for the purpose were the proper officer of that local authority,
 - (d) any reference to a pecuniary interest were a reference to an interest, whether pecuniary or not; and
 - (e) any reference to section 94 of the Local Government Act 1972 were a reference to this paragraph.

SCHEDULE 11

Section 156.

MISCELLANEOUS POWERS OF TRANSPORT FOR LONDON

Carriage and storage

- 1 (1) Transport for London may carry passengers by any form of land or water transport (including in either case hovercraft) within, to or from Greater London.
- (2) Transport for London may carry passengers as mentioned in sub-paragraph (1) above between places outside Greater London, in so far as Transport for London considers it requisite to do so—
 - (a) in connection with the exercise of its powers under that sub-paragraph; or
 - (b) in order to avoid an interruption of services provided by London Regional Transport in exercise of its powers under paragraph 1(2)(b) of Schedule 2 to the London Regional Transport Act 1984 (provision of services outside Greater London to avoid interruption of services formerly provided by the London Transport Executive under the Transport (London) Act 1969).
- (3) Transport for London may also carry luggage and other goods.
- 2 (1) Transport for London may enter into arrangements with any person providing passenger transport services by air for the provision of such services between places in Greater London or between such places and places outside Greater London.
- (2) Without prejudice to its powers under section 156 of this Act, Transport for London may enter into arrangements with any person operating a business of providing passenger vehicles for hire (whether with or without the services of a driver, and whether under private hire arrangements or by way of plying for public hire), for that person to make passenger vehicles operated by him available for hire, or for use in accordance with the arrangements, on such terms and in such manner as may be provided for by the arrangements, in or between places in Greater London or between such places and places outside Greater London.
- (3) Any arrangements under this paragraph may include provision for the making of payments by Transport for London to the other party to the arrangements.

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

- 3 (1) Transport for London may store within Greater London or in any premises of Transport for London outside Greater London goods which have been or are to be carried by Transport for London or a subsidiary of Transport for London.
- (2) So far as any premises provided for the purpose of discharging that or any other function of Transport for London are not required for that purpose, Transport for London may use those premises to provide facilities for the storage of other goods.

Incidental amenities and facilities

- 4 Transport for London may provide amenities or facilities, and construct works, for the purpose of making those amenities, facilities or works available for the use of any other person in pursuance of any agreement under section 156(6).
- 5 (1) Transport for London may provide such amenities and facilities as it considers would benefit persons using—
- (a) any services or facilities provided by Transport for London, by any subsidiary of 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) of this Act or in pursuance of a transport subsidiary's agreement; or
 - (b) any other London passenger services or London connecting services.
- (2) Without prejudice to its powers under sub-paragraph (1) above, Transport for London may provide car parks and amenities or facilities for persons using them at any place convenient for prospective users of any services falling within sub-paragraph (1)(a) or (b) above.
- (3) Transport for London may provide facilities for the parking or keeping of any public service vehicles used in the provision of any London passenger service or London connecting service at any place convenient for persons providing any such service.
- (4) In this paragraph—
- “London passenger service” means any service for the carriage of passengers within, to or from Greater London (whether or not provided by Transport for London, by any subsidiary of Transport for London, or by any such other person as is mentioned in sub-paragraph (1)(a) above); and
 - “London connecting service” means any service for the carriage of passengers to or from any place outside Greater London but convenient for prospective users of London passenger services or for persons seeking to transfer from London passenger services to services for the carriage of passengers to destinations further afield (including destinations outside the United Kingdom).
- 6 (1) Where by virtue of any provision of paragraph 4 or 5 above Transport for London has power to provide any amenities or facilities (including any amenities or facilities of a particular description specifically mentioned in any such provision), Transport for London may enter into arrangements for the provision (including the management or operation) or (as the case may be) for the management or operation of any such amenities or facilities by any other person.
- (2) Any arrangements under this paragraph may include provision for the making of payments by Transport for London to, or for the giving of guarantees or any other financial assistance by Transport for London for the benefit of, the other party to the arrangements.

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

- (3) References in this Act to amenities or facilities provided by Transport for London include amenities or facilities provided, or managed or operated, by any other person in pursuance of arrangements under this paragraph.

Charges for services and facilities

- 7 (1) Transport for London may make (or waive) such charges for services and facilities and make the use of services and facilities subject to such terms and conditions, as Transport for London thinks fit.
- (2) Transport for London’s power under sub-paragraph (1) above is subject only to the provisions of this Act and to any local enactment so far as that local enactment expressly provides for freedom from charges or otherwise prohibits the making of any charge (as distinct from limiting the discretion of persons carrying on any particular undertaking as to the charges of any description to be made by them).

Machinery and components

- 8 (1) Transport for London may manufacture and repair any spare parts and components or other supplementary machinery or equipment required for the purpose of the operation or repair of any existing vehicles or other equipment of Transport for London or of any subsidiary of Transport for London.
- (2) Transport for London may repair any vehicles or other equipment, whether owned by Transport for London or any subsidiary of Transport for London or by any other person, and for the purpose of repairing any vehicle or equipment not belonging to Transport for London may supply any necessary parts and components for that vehicle or equipment.
- (3) In this paragraph—
- (a) references to manufacture include references to construction and production; and
- (b) references to repair include references to maintenance.

Technical assistance and advice

- 9 (1) Transport for London may provide for any person professional or technical advice or assistance, including research and other services, as respects any matter in which Transport for London has skill, experience or expertise.
- (2) Transport for London may, on the request of any person for whom it is providing advice or assistance under sub-paragraph (1) above, establish for that person an undertaking carrying on any business in which Transport for London has skill or experience and manage it on that person’s behalf.
- (3) Transport for London may make such charges as it thinks fit in respect of anything done in exercise of its powers under this paragraph.
- 10 (1) In this paragraph—
- (a) “relevant passenger service” means any London passenger service or London connecting service within the meaning of paragraph 5 above which is provided by any form of land or water transport (including, in either case, hovercraft); and

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

- (b) “independent service” means any relevant passenger service provided otherwise than by Transport for London or by any of its subsidiaries.
- (2) Transport for London may enter into arrangements with any person providing independent services for the reciprocal provision, on such terms as may be provided for by the arrangements, of ancillary services by each party to the arrangements in respect of any relevant passenger services provided by the other.
- (3) In sub-paragraph (2) above, “ancillary services” includes, in relation to any relevant passenger services, the sale of tickets for the carriage of passengers on those services, the reservation of seats in vehicles used in the provision of those services and the provision of information about those services to members of the general public.

Exploitation of commercial opportunities

- 11 Transport for London may let vehicles on hire.
- 12 (1) Transport for London may dispose (whether absolutely or for a term of years) of any part of its undertaking or any property which in the opinion of the Mayor is not required by Transport for London for the purposes of the discharge by Transport for London of any of its functions and, in particular, may dispose of any interest in, or right over, any property which, subject to that interest or right, is retained by Transport for London.
- (2) Transport for London may supply to any person spare parts and components for passenger road vehicles disposed of by Transport for London in the exercise of its powers under sub-paragraph (1) above, or by a subsidiary of Transport for London, as being no longer required for the purposes of the discharge by Transport for London of any of its functions.
- 13 Transport for London may—
- (a) invest sums not immediately required for the purposes of the discharge by Transport for London of any of its functions,
 - (b) turn its resources to account so far as not required for those purposes, and
 - (c) spend such sums as it considers reasonable in the exploitation of commercial opportunities arising from the activities it carries on in the discharge of its functions.

Intermodal freight facilities

- 14 Transport for London may provide and maintain facilities for the transfer of freight—
- (a) from a railway to any other mode of transport,
 - (b) to a railway from any other mode of transport,
 - (c) from a waterway to any other mode of transport,
 - (d) to a waterway from any other mode of transport.

Acquisition, disposal and development of land

- 15 (1) Transport for London may develop its land in such manner as it thinks fit.
- (2) Transport for London may in particular—

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

- (a) develop for use by other persons land belonging to Transport for London which is not required for the purposes of the discharge by Transport for London of any of its functions, and
 - (b) where the use of Transport for London's land for the purposes of the discharge by Transport for London of any of its functions can be combined with its use by other persons, develop the land by constructing or adapting buildings on it for use wholly or partly by other persons,
- with a view to the disposal of any right or interest in the land or (as the case may be) the buildings or any part of the buildings after the development is carried out.
- (3) Where Transport for London proposes under this paragraph to develop any land for use otherwise than for the purposes of discharging any of its functions it may acquire by agreement other land in the vicinity for the purpose of developing it together with that land.
- 16 Transport for London may grant an interest to any person in any land which it uses for the purposes of discharging any of its functions.
- 17 Subject to paragraph 20 below, where Transport for London has an interest in land which is used otherwise than for the purposes of discharging any of its functions, it may acquire by agreement additional interests in that land in order better to exploit the interest which it already has in that land.
- 18 (1) Subject to paragraph 20 below, Transport for London may acquire land for the purposes of discharging any of its functions (including the rehousing of the occupiers of dwellings acquired or to be acquired by Transport for London).
- (2) The power of Transport for London to acquire land under sub-paragraph (1) above includes a power to purchase land which Transport for London has no immediate plans to use or develop.
- (3) Transport for London may acquire land by agreement for the purposes of any agreement entered into by it under section 156(2) or (3) of this Act or of any transport subsidiary's agreement.
- (4) Where Transport for London proposes to dispose of any of its land it may acquire by agreement land in the vicinity for the purpose of disposing of it together with the other land.
- 19 (1) Subject to the following provisions of this paragraph and paragraph 20 below, the Secretary of State may authorise Transport for London to purchase compulsorily any land which is required by Transport for London or a subsidiary of Transport for London for the purposes of the discharge of any function.
- (2) The Acquisition of Land Act 1981 shall apply to any compulsory purchase by virtue of sub-paragraph (1) above.
- (3) Transport for London shall not by virtue of sub-paragraph (1) above submit to the Secretary of State a compulsory purchase order authorising the acquisition of any land in accordance with section 2(2) of the Acquisition of Land Act 1981 unless the Mayor has given his consent.
- (4) Activities carried on by Transport for London by virtue of paragraph 9 above shall not be treated for the purposes of sub-paragraph (1) above as the discharge by Transport for London of any of its functions.

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- (5) This paragraph does not authorise Transport for London to purchase compulsorily land which it has power to acquire by agreement under paragraph 15(3) or 18(3) or (4) above.
- (6) Subject to sub-paragraph (7) below, the power of purchasing land compulsorily in this paragraph includes power to acquire an easement or other right over land by the creation of a new right.
- (7) Sub-paragraph (6) above does not apply to an easement or other right over land which forms part of a common, open space or fuel or field garden allotment within the meaning of section 19 of the Acquisition of Land Act 1981.
- 20 Except as provided by paragraph 15(3), 17 or 18(3) or (4) above, Transport for London does not have power to acquire land (or any interest in land) for purposes which are not related to any of the activities, other than the development of land, of Transport for London or any subsidiary of Transport for London.
- 21 Where any activities for which provision is made by an agreement under section 156(2) or (3) of this Act or under a transport subsidiary's agreement cease to be carried on by the other party (whether by reason of the expiry or termination of the agreement or otherwise), Transport for London may—
- (a) acquire by agreement any land or other property used for the purpose of carrying on those activities; and
 - (b) in the case of an agreement under section 156(3) of this Act or of a transport subsidiary's agreement falling within section 169(3) above, itself carry on those activities notwithstanding that it would not otherwise have power to do so.

Research and development of policies

- 22 (1) Transport for London may do anything which appears to it to be practicable and desirable for the purpose of promoting—
- (a) research into matters affecting, or arising out of, the exercise of the functions of Transport for London or any of its subsidiaries, and
 - (b) the exploitation of the results of any research into any such matter (whether or not promoted by Transport for London) and of anything resulting from any idea affecting, or arising out of, the exercise of any of those functions.
- (2) In paragraph (1)(b) above “exploitation” means the doing of any work requisite to enable the results or (as the case may be) the thing in question to be turned to account.
- (3) Transport for London may exercise the powers under sub-paragraph (1) above by carrying out any research or work for that purpose itself or by arranging for it to be carried out or done by some other person with or without assistance (including financial assistance) from Transport for London.
- (4) Nothing in this paragraph authorises Transport for London, either directly or through a subsidiary of Transport for London, to do any work which it would not have power to do apart from this paragraph.

Welfare and efficiency of employees

- 23 (1) Transport for London may do anything it thinks fit for the purpose of advancing—

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- (a) the skill of persons employed by Transport for London or by any subsidiary of Transport for London;
- (b) the efficiency of the equipment of Transport for London or of any subsidiary of Transport for London or of the manner in which that equipment is operated;

including providing, or assisting others in providing, facilities for training, education and research.

- (2) Transport for London may provide houses, hostels and other similar accommodation for persons employed by Transport for London or by any subsidiary of Transport for London.

Acquisition of undertakings etc

24 Transport for London may acquire any undertaking or part of an undertaking if the assets comprised in the undertaking or the part of the undertaking are wholly or mainly assets which Transport for London requires for the purposes of discharging any of its functions.

25 For the purposes of discharging any of its functions, Transport for London may subscribe for or acquire any securities of a body corporate.

Byelaws for railways

- 26 (1) Transport for London may make byelaws regulating—
- (a) the use and working of its railways;
 - (b) travel on its railways;
 - (c) the maintenance of order on its railways and railway premises, including stations and the approaches to stations;
 - (d) the conduct of all persons while on those premises, including officers and employees of Transport for London.

- (2) Byelaws made by Transport for London by virtue of sub-paragraph (1) above may include in particular byelaws—

- (a) with respect to tickets issued for entry on its railway premises or travel on its railways and the evasion of payment of fares and other charges;
- (b) with respect to interference with or obstruction of the working of the railways;
- (c) with respect to the smoking of tobacco in railway carriages and elsewhere;
- (d) with respect to the prevention of nuisances;
- (e) with respect to the receipt and delivery of goods;
- (f) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by Transport for London and intended for the use of pedestrians.

- (3) Any byelaws made by virtue of sub-paragraph (1) above may provide that any person contravening them shall be liable on summary conviction to a fine for each offence not exceeding level 3 on the standard scale or not exceeding a lesser amount.

- (4) Where the contravention of a byelaw made by virtue of sub-paragraph (1) above causes—

- (a) danger or annoyance to the public, or

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- (b) hindrance to Transport for London in the lawful use of its railway, Transport for London may summarily interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Anything done by Transport for London under sub-paragraph (4) above is without prejudice to the taking of summary proceedings under sub-paragraph (3) above.
- (6) Subsections (5) to (12) of section 67 of the Transport Act 1962 (byelaws for railways etc.) shall apply in relation to byelaws made by Transport for London by virtue of sub-paragraph (1) above as they apply to byelaws made under that section but taking references in those subsections to the Board as references to Transport for London.
- (7) For the purposes of this paragraph—
 - (a) railways, railway premises, officers or employees of a subsidiary of Transport for London shall be deemed to be railways, railway premises, officers or employees of Transport for London, and
 - (b) footways and other premises controlled by a subsidiary of Transport for London shall be deemed to be footways and other premises controlled by Transport for London.

Byelaws for landing places

- 27
- (1) Subject to sub-paragraphs (2) and (3) below, Transport for London may make and enforce byelaws for regulating or controlling the use of any landing place which is vested in or operated by it or any of its subsidiaries.
 - (2) Sub-paragraph (1) above does not apply to any landing place for which the Port of London Authority has power to make byelaws under section 161 of the Port of London Act 1968 (byelaws for port premises).
 - (3) No byelaw made by Transport for London under sub-paragraph (1) above shall conflict or interfere with the operation of any byelaw made by the Port of London Authority under section 162(1)(b) or (e) of the Port of London Act 1968 (Thames byelaws).
 - (4) The power conferred by sub-paragraph (1) above includes the power to make and enforce byelaws specifying—
 - (a) persons or descriptions of persons who, or
 - (b) vessels or descriptions of vessels which,may or may not use a landing place.
 - (5) A person who contravenes a byelaw made under this paragraph shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.
 - (6) For the purposes of this paragraph, “landing place” means any waterside landing place, wharf, pier, jetty, pontoon, causeway, hard, footway or other installation, and includes any associated buildings and approaches to it over and from land.
 - (7) This paragraph is without prejudice to the provisions of any other enactment.

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Museums

- 28 (1) Transport for London may provide and maintain a museum of transport artefacts, records and other exhibits and may do anything necessary or expedient for or in connection with the provision or maintenance of the museum.
- (2) Transport for London may make a charge for admission to a museum maintained by it.

Supplementary

- 29 If Transport for London engages, either directly or through a subsidiary, in any activities authorised by paragraph 11 or 15(2) or (3) above, it shall in carrying on those activities act as if it were a company engaged in a commercial enterprise or (as the case may be) shall exercise its control over that subsidiary so as to ensure that the subsidiary in carrying on those activities acts as a company so engaged.
- 30 Any specific power conferred on Transport for London by or by virtue of any provision of this Act to make any loan or give any guarantee or to subscribe for or acquire any securities shall not affect the power of Transport for London—
- (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment; or
 - (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, by London Regional Transport or by any predecessor in title of London Regional Transport.

Miscellaneous

- 31 (1) Neither Transport for London nor any subsidiary of Transport for London shall be regarded as a common carrier by rail or inland waterway.
- (2) No local enactment passed or made with respect to any particular undertaking so far as it imposes on persons carrying on that undertaking—
- (a) a duty to connect, or afford facilities for the connection of, any siding to a railway; or
 - (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them; or
 - (c) a duty (otherwise than to a named person, or to the successor of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected with stations, sidings or carriages);
- or so far as it otherwise makes provision corresponding to any of the repealed enactments, shall apply to Transport for London.
- (3) The reference in sub-paragraph (2) above to the repealed enactments is a reference to the following enactments, that is to say—
- section 76 of the Railways Clauses Consolidation Act 1845;
 - section 69 of the Railways Clauses Consolidation (Scotland) Act 1845;
 - sections 2 and 7 of the Railway and Canal Traffic Act 1854;
 - sections 16 and 39 of the Railways Act 1921;
 - section 30 of the London Passenger Transport Act 1933;
 - section 39 of the Road and Rail Traffic Act 1933; and

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section 22 of the Transport Act 1953;
all of which made provision with respect to transport charges and facilities and were repealed by the Transport Act 1962.

Other powers

- 32 Transport for London may do all other things which in its opinion are necessary or expedient to facilitate the discharge by it of any of its functions, including the securing of the performance of any agreement entered into by it under section 156 of this Act or of any transport subsidiary's agreement.
- 33 Transport for London may do anything necessary for the purpose of fulfilling a contract which by virtue of section 300 or 415 of this Act has effect as if made by Transport for London, notwithstanding that apart from this paragraph Transport for London would not have power to do that thing.

SCHEDULE 12

Sections 165 and 217.

TRANSPORT FOR LONDON TRANSFER SCHEMES

Interpretation

- 1 In this Schedule—
- “transfer scheme” means—
 - (a) a scheme under section 165 of this Act; or
 - (b) a scheme under section 217 of this Act;
 - “transferor” means the person from whom property, rights or liabilities are transferred by a transfer scheme;
 - “transferee” means a person to whom any such property, rights or liabilities are so transferred.

Contents of transfer schemes

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include—
- (a) property, rights and liabilities which 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 scheme 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 scheme.

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- (4) For purposes connected with any transfers (including transfers of rights and liabilities under an enactment) made by virtue of a transfer scheme, or by virtue of an instrument or agreement made in connection with a transfer scheme, a body or person to which anything is transferred by any such transfer is to be treated as the same person in law as the body or person from which that thing is transferred, except as otherwise provided in the transfer scheme, instrument or agreement.
- (5) Sub-paragraph (4) above is without prejudice to section 415 of this Act or any other provision made by or under this Act which makes transitional provision in relation to a transfer.
- (6) Sub-paragraphs (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) In this paragraph, “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.

Apportionment and division

- 3 (1) A transfer scheme may make provision for the apportionment or division of any property, rights or liabilities.
- (2) Where a transfer scheme 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.

Definition of the property, rights and liabilities transferred

- 4 A transfer scheme may define the property, rights and liabilities to be transferred—
- (a) by specifying or describing them;
 - (b) by referring to all (or all except anything specified or described) 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.

Other provision that may be made by a transfer scheme

- 5 (1) The provision that may be made by a transfer scheme includes provision—
- (a) for the creation, in relation to any land or other property which the scheme transfers, of an estate or interest in or right over the property in favour of the transferor;
 - (b) for the creation, in favour of a transferee, of an estate or interest in or right over any land or other property retained by the transferor or transferred by the scheme to another transferee;

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- (c) for the creation of rights or liabilities as between two or more transferees or as between one or more transferees and the transferor;
 - (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against two or more transferees, or by or against one or more transferees and the transferor;
 - (e) for imposing on the transferor or a transferee an obligation to enter into written agreements with, or execute other instruments in favour of, the transferor, or that or any other transferee, or such other person as may be specified in the scheme.
- (2) The provision that may be made by a transfer scheme includes provision for transfers to take effect at such time of day as may be specified in the order.

Power to make supplementary etc provision

- 6 A transfer scheme may make such supplementary, incidental, consequential or transitional provision, or savings, as Transport for London considers appropriate.

Functions under local Acts or Transport and Works Act orders

- 7 (1) A transfer scheme may provide that any functions of the transferor under a relevant statutory provision—
- (a) shall be transferred to the transferee;
 - (b) shall be concurrently exercisable by two or more transferees; or
 - (c) shall be concurrently exercisable by the transferor and one or more transferees.
- (2) Sub-paragraph (1) above applies in relation to any function under a relevant statutory provision if and to the extent that the relevant statutory provision—
- (a) relates to any property which is to be transferred by the scheme; or
 - (b) authorises the carrying out of works designed to be used in connection with any such property or the acquisition of land for the purpose of carrying out any such works.
- (3) A transfer scheme which makes provision by virtue of this paragraph shall not have effect unless and until it is confirmed by an order made by the Secretary of State.
- (4) In this paragraph “relevant statutory provision” means any provision, whether of a general or of a special nature, contained in, or in any document made or issued under—
- (a) any local Act; or
 - (b) any order under the Transport and Works Act 1992.

Effect of transfer scheme

- 8 On the date appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this paragraph, be transferred in accordance with the provisions of the scheme.

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

Continuity

- 9 (1) Nothing in this Act affects the validity of anything done by or in relation to the transferor in connection with anything transferred by a transfer scheme.
- (2) There may be continued by or in relation to the transferee anything (including legal proceedings) which—
- (a) relates to anything transferred by a transfer scheme, and
 - (b) is in the process of being done by or in relation to the transferor immediately before the transfer takes effect.
- (3) Anything which—
- (a) was done by the transferor for the purposes of or otherwise in connection with anything transferred by a transfer scheme, and
 - (b) is in effect immediately before the transfer takes effect,
- shall have effect as if done by the transferee.
- (4) The transferee shall be substituted for the transferor in any instruments, contracts or legal proceedings which—
- (a) relate to anything transferred by a transfer scheme, and
 - (b) are made or commenced before the transfer takes effect.
- (5) Any reference in this paragraph to anything done by or in relation to the transferor includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to the transferor.

Transfer of employees

- 10 (1) This paragraph applies where a person employed by the transferor becomes an employee of the transferee by virtue of a transfer scheme.
- (2) 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.
- (3) 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.
- (4) For the purposes of that Act—
- (a) the employee's period of employment with the transferor shall count as a period of employment with the transferee; and
 - (b) the change of employment shall not break the continuity of the period of employment.

Provision of information to Transport for London

- 11 (1) Where Transport for London proposes to make a transfer scheme under section 217 of this Act, it may direct any person to whom, or from whom, property is to be transferred under the scheme—
- (a) to provide Transport for London with such information as Transport for London considers necessary to enable it to make the scheme; and
 - (b) to do so within such time (being not less than 28 days from the giving of the direction) as may be specified in the direction.

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- (2) If a person fails to comply with a direction under sub-paragraph (1) above, Transport for London may serve a notice on him requiring him—
- (a) to produce to Transport for London, 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 Transport for London, 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.
- (3) No person shall be required under this paragraph—
- (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.
- (4) A person who without reasonable excuse fails to do anything required of him by a notice under sub-paragraph (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) A person who intentionally alters, suppresses or destroys any document which he has been required to produce by a notice under sub-paragraph (2) 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.
- (6) If a person makes default in complying with a notice under sub-paragraph (2) above, the court may, on the application of Transport for London, make such order as the court thinks fit for requiring the default to be made good.
- (7) 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.
- (8) In this paragraph—
- (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.
- (9) In this paragraph “the court” means the High Court.

Modification of transfer scheme

- 12 (1) If at any time after a transfer scheme has come into force—
- (a) the transferor,
 - (b) any transferee affected, and
 - (c) Transport for London, if not falling within paragraph (a) or (b) above,
- so agree in writing, the scheme shall for all purposes be deemed to have come into force with such modifications as may be specified in the agreement.

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- (2) Sub-paragraph (1) above does not apply in relation to modifications relating to the transfer of rights and liabilities under a contract of employment, unless the employee concerned is a party to the agreement.
- (3) An agreement under sub-paragraph (1) above—
 - (a) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme; and
 - (b) in connection with giving effect to that provision from that time, may contain incidental, supplemental, consequential or transitional provision.
- (4) Transport for London may only enter into an agreement under sub-paragraph (1) above with the consent of the Mayor.
- (5) The Mayor, in giving his consent under sub-paragraph (4) above to an agreement in respect of a scheme under section 165 of this Act, may make it a condition of the consent that such further modifications to the scheme as he may specify in giving the consent are to be included in the agreement.
- (6) No modification may be specified by the Mayor under sub-paragraph (5) above which could not have been included in the agreement apart from that sub-paragraph.

SCHEDULE 13

Section 167.

PROMOTION OF BILLS IN PARLIAMENT BY TRANSPORT FOR LONDON

Preliminary requirements

- 1 No Bill may be deposited in Parliament by virtue of section 167(1)(a) of this Act until the requirements of paragraph 2 below have been complied with.

Consultation on draft Bill

- 2 (1) Transport for London shall—
 - (a) prepare a draft of the proposed Bill (“the draft Bill”);
 - (b) send copies of the draft Bill to the bodies and persons specified in sub-paragraph (2) below; and
 - (c) consult those bodies and persons about the draft Bill.
- (2) Those bodies and persons are—
 - (a) the Mayor;
 - (b) the Assembly;
 - (c) every London borough council; and
 - (d) the Common Council.
- (3) Where Transport for London sends copies of the draft Bill to those bodies and persons pursuant to sub-paragraph (1)(b) above, it shall also give those bodies and persons notice of the time within which, and the place at which, they may make representations about the draft Bill.

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Publicity for, and exposure of, the draft Bill

- 3 (1) Throughout the consultation period, Transport for London shall take such steps as in its opinion will give adequate publicity to the draft Bill.
- (2) A copy of the draft Bill shall be kept available by Transport for London for inspection by any person on request free of charge—
- (a) at the principal offices of Transport for London, and
 - (b) at such other places as Transport for London considers appropriate, at reasonable hours throughout the consultation period.
- (3) A copy of the draft Bill, or of any part of the draft Bill, shall be supplied to any person on request during the consultation period for such reasonable fee as Transport for London may determine.
- (4) In this paragraph “the consultation period” means the period which—
- (a) begins with the first day after the requirements of paragraph 2(1)(b) above have been complied with; and
 - (b) ends with the time notified pursuant to paragraph 2(3) above.

Deposition of the Bill in Parliament

- 4 (1) If, after the requirements of paragraph 2 above have been complied with, a Bill is deposited in Parliament by virtue of section 167(1)(a) of this Act, that Bill must be in the form of the draft Bill, either as originally prepared or as modified to take account of—
- (a) representations made pursuant to paragraph 2 above;
 - (b) other representations made within the consultation period; or
 - (c) other material considerations.
- (2) In this paragraph “the consultation period” has the same meaning as in paragraph 3 above.

Bills affecting statutory functions of London local authorities

- 5 (1) If a Bill proposed to be deposited in Parliament by virtue of section 167(1)(a) of this Act contains provisions affecting the exercise of statutory functions by a London local authority, the Bill shall not be deposited in Parliament unless—
- (a) in a case where the exercise of statutory functions of one London local authority is affected, that authority has given its written consent to the Bill in the form in which it is to be so deposited; or
 - (b) in a case where the exercise of statutory functions of two or more London local authorities is affected, at least 90 per cent. of all London local authorities have given their written consent to the Bill in that form.
- (2) In this paragraph “London local authority” means—
- (a) a London borough council; or
 - (b) the Common Council.

Publicity for the deposited Bill

- 6 (1) This paragraph applies where a Bill (“the deposited Bill”) is deposited in Parliament by virtue of section 167(1)(a) of this Act.

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- (2) During the period of 14 days following the day on which the deposited Bill is deposited in Parliament, Transport for London shall take such steps as in its opinion will give adequate publicity to the Bill.
- (3) A copy of the deposited Bill shall be kept available by Transport for London for inspection by any person on request free of charge—
- (a) at the principal offices of Transport for London, and
 - (b) at such other places as Transport for London considers appropriate,
- at reasonable hours throughout the period while the Bill is in Parliament.
- (4) A copy of the deposited Bill, or of any part of the deposited Bill, shall be supplied to any person on request during that period for such reasonable fee as Transport for London may determine.

SCHEDULE 14

Section 220.

PPP ADMINISTRATION ORDERS

PART I

MODIFICATIONS OF THE 1986 ACT

General application of provisions of 1986 Act

- 1 Where a PPP administration order has been made, sections 11 to 23 and 27 of the 1986 Act (which relate to administration orders under Part II of that Act) shall apply, with the modifications specified in the following provisions of this Part of this Schedule—
- (a) as if references in those sections to an administration order were references to a PPP administration order and references to an administrator were references to a special PPP administrator; and
 - (b) where the company in relation to which the order has been made is a PPP company which is an unregistered company, as if references in those sections to a company included references to such a company.

Effect of order

- 2 In section 11 of the 1986 Act (effect of order), as applied by this Part of this Schedule, the requirement in subsection (1)(a) that any petition for the winding up of the company shall be dismissed shall be without prejudice to the PPP administration order in a case where the order is made by virtue of section 222 of this Act.

Appointment of special PPP administrator

- 3 In section 13 of the 1986 Act (appointment of administrator), as applied by this Part of this Schedule, for subsection (3) there shall be substituted the following subsection—

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- “(3) An application for an order under subsection (2) may be made—
- (a) by the Mayor of London;
 - (b) by any continuing special PPP administrator of the company or, where there is no such special PPP administrator, by the company, the directors or any creditor or creditors of the company.”

General powers of special PPP administrator

- 4 In section 14 of the 1986 Act (general powers of administrator), as applied by this Part of this Schedule,—
- (a) in subsection (1)(b), the reference to the powers specified in Schedule 1 to that Act shall be taken to include a reference to a power to act on behalf of the company for the purposes of Chapter VII of Part IV of this Act or any provision of a local or private Act which confers any power, or imposes any duty or obligation, on the company; and
 - (b) in subsection (4), the reference to a power conferred by the company’s memorandum or articles of association—
 - (i) shall be taken to include a reference to any power conferred by any provision of a local or private Act which confers any power, or imposes any duty or obligation, on the company; and
 - (ii) in the case of a company which is an unregistered company, shall be taken also to include a reference to any power conferred by the company’s constitution.

Power to deal with charged property

- 5 (1) Section 15 of the 1986 Act (power to deal with charged property), as applied by this Part of this Schedule, shall have effect as follows.
- (2) In subsection (5)(b) (amount to be paid to chargeholder not to be less than open market value), for the words “in the open market by a willing vendor” there shall be substituted the words “for the best price which is reasonably available on a sale which is consistent with the purposes of the PPP administration order”.

Duties of special PPP administrator

- 6 (1) Section 17 of the 1986 Act (duties of administrator), as applied by this Part of this Schedule, shall have effect in accordance with the following provisions of this paragraph.
- (2) For subsection (2) there shall be substituted the following subsection—
- “(2) Subject to any directions of the court, it shall be the duty of the special PPP administrator to manage the affairs, business and property of the company in accordance with proposals, as for the time being revised under section 23, which have been prepared for the purposes of that section by him or any predecessor of his.”
- (3) In subsection (3), paragraph (a) (right of creditors to require the holding of a creditors’ meeting) shall be omitted.

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Discharge of order

- 7 (1) Section 18 of the 1986 Act (discharge and variation of administration order), as applied by this Part of this Schedule, shall have effect as follows.
- (2) For subsections (1) and (2) there shall be substituted the following subsection—
- “(1) An application for a PPP administration order to be discharged may be made—
- (a) by the special PPP administrator, on the ground that the purposes of the order have been achieved; or
- (b) by the Mayor of London, on the ground that it is no longer necessary that the purposes of the order are achieved.”
- (3) In subsection (3), the words “or vary” shall be omitted.
- (4) In subsection (4), the words “or varied” and “or variation” shall be omitted and for the words “to the registrar of companies” there shall be substituted—
- (a) except where the company is an unregistered company which is not subject to a requirement imposed under or by virtue of section 691(1) or 718 of the Companies Act 1985 to deliver any documents to the registrar of companies, the words “to the Mayor of London and the registrar of companies”; and
- (b) where the company is an unregistered company which is not subject to such a requirement as is mentioned in paragraph (a) above, the words “to the Mayor of London”.

Notice of making of order

- 8 In section 21(2) of the 1986 Act (notice of order to be given by administrator), as applied by this Part of this Schedule, for the words “to the registrar of companies” there shall be substituted—
- (a) except where the company is an unregistered company which is not subject to a requirement imposed under or by virtue of section 691(1) or 718 of the Companies Act 1985 to deliver any documents to the registrar of companies, the words “to the Mayor of London and the registrar of companies”; and
- (b) where the company is an unregistered company which is not subject to such a requirement as is mentioned in paragraph (a) above, the words “to the Mayor of London”.

Statement of proposals

- 9 In section 23 of the 1986 Act (statement of proposals), as applied by this Part of this Schedule, for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) Where a PPP administration order has been made, the special PPP administrator shall, within 3 months (or such longer period as the court may allow) after the making of the order, send a statement of his proposals for achieving the purposes of the order—
- (a) to the Mayor of London;
- (b) so far as he is aware of their addresses, to all creditors of the company; and

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- (c) except where the company is an unregistered company which is not subject to a requirement imposed under or by virtue of section 691(1) or 718 of the Companies Act 1985 to deliver any documents to the registrar of companies, to the registrar of companies;
and may from time to time revise those proposals.
- (2) If at any time—
 - (a) the special PPP administrator proposes to make revisions of the proposals for achieving the purposes of the PPP administration order, and
 - (b) those revisions appear to him to be substantial,the special PPP administrator shall, before making those revisions, send a statement of the proposed revisions to the persons specified in subsection (2A).
- (2A) The persons mentioned in subsection (2) are—
 - (a) the Mayor of London;
 - (b) all creditors of the company, so far as the special PPP administrator is aware of their addresses; and
 - (c) except where the company is an unregistered company which is not subject to a requirement imposed under or by virtue of section 691(1) or 718 of the Companies Act 1985 to deliver any documents to the registrar of companies, the registrar of companies.
- (2B) Where the special PPP administrator is required by subsection (1) or (2) to send any person a statement before the end of any period or before making any revision of any proposals, he shall also, before the end of that period or, as the case may be, before making those revisions either—
 - (a) send a copy of the statement (so far as he is aware of their addresses) to all members of the company; or
 - (b) publish in the prescribed manner a notice stating an address to which members should write for copies of the statement to be sent to them free of charge.”

Applications to court

- 10 (1) Section 27 of the 1986 Act (protection of interests of creditors and members), as applied by this Part of this Schedule, shall have effect as follows.
- (2) After subsection (1) there shall be inserted the following subsections—
- “(1A) At any time when a PPP administration order is in force the Mayor of London may apply to the High Court by petition for an order under this section on the ground specified in subsection (1B).
 - (1B) The ground mentioned in subsection (1A) is that the special PPP administrator has exercised or is exercising, or proposing to exercise, his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.
 - (1C) Where an application is made under subsection (1) in respect of a company in relation to which a PPP administration order is in force—

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- (a) notice of the application shall be given to the Mayor of London; and
 - (b) he shall be entitled to be heard by the court in connection with that application.”
- (3) Subsection (3) (order not to prejudice or prevent voluntary arrangements or administrator’s proposals) shall be omitted.
- (4) In subsection (4) (provision that may be made in an order), the words “Subject as above” shall be omitted and for paragraph (d) there shall be substituted—
- “(d) without prejudice to the powers exercisable by the court in making a PPP administration order—
 - (i) provide that the PPP administration order is to be discharged as from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors; and
 - (ii) make such consequential provision as the court thinks fit.”
- (5) For subsection (6) there shall be substituted—
- “(6) Where a PPP administration order is discharged in consequence of such provision in an order under this section as is mentioned in subsection (4) (d)(i), the special PPP administrator shall, within 14 days after the date on which the discharge takes effect, send an office copy of the order under this section—
- (a) to the Mayor of London; and
 - (b) except where the company is an unregistered company which is not subject to a requirement imposed under or by virtue of section 691(1) or 718 of the Companies Act 1985 to deliver any documents to the registrar of companies, to the registrar of companies;
- and if, without reasonable excuse, the special PPP administrator fails to comply with this subsection, he is liable to a fine and, for continued contravention, to a daily default fine.”

Particular powers of special PPP administrator

- 11 In the application of Schedule 1 to the 1986 Act (which sets out certain powers of the administrator) by virtue of section 14 of that Act, as applied by this Part of this Schedule in relation to a company which is an unregistered company, paragraph 22 shall be omitted.

PART II

FURTHER MODIFICATIONS OF THE 1986 ACT:
 APPLICATION IN RELATION TO FOREIGN COMPANIES

Introductory

- 12 (1) Where a PPP administration order has been made in relation to a company which is a foreign company, sections 11 to 23 and 27 of the 1986 Act (as applied by Part

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I of this Schedule) shall apply in relation to that foreign company with the further modifications set out in the following provisions of this Part of this Schedule.

- (2) In this Part of this Schedule, “foreign company” means a company incorporated outside Great Britain.

Effect of order

- 13 (1) Section 11 of the 1986 Act (effect of administration order), as applied by this Part of this Schedule in relation to a foreign company, shall have effect as follows.

(2) In subsection (1), paragraph (b) shall be omitted.

(3) Subsection (2) shall be omitted.

(4) In subsection (3)—

- (a) paragraphs (a) and (b) shall be omitted; and
(b) in paragraph (d)—

(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 any reference 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.

(5) Subsections (4) and (5) shall be omitted.

(6) At the end of that section there shall be added—

“(6) Where a PPP administration order is in force in relation to a company which is a foreign company within the meaning of section 224 of the Greater London Authority Act 1999—

- (a) any person appointed to perform functions equivalent to those of an administrative receiver, and
(b) if the special PPP administrator so requires, any person appointed to perform functions equivalent to those of a receiver,

shall refrain from performing those functions in Great Britain in relation to the foreign company and any of the company’s property for the time being situated in Great Britain, during the period for which that order is in force or, in the case of such a person as is mentioned in paragraph (b) above, during so much of that period as falls after the date on which he is required to do so.”

Notification of order

- 14 In section 12 of the 1986 Act (notification of order), as applied by this Part of this Schedule in relation to a foreign company, the reference to a statement that the affairs, business and property of the company are being managed by the administrator shall be taken as a reference to a statement that—

- (a) the affairs and business of the foreign company so far as carried on in Great Britain, and

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- (b) the property of the foreign company so far as that property is for the time being situated within Great Britain,
are being managed by the special PPP administrator.

General powers of special PPP administrator

- 15 (1) Section 14 of the 1986 Act (general powers of administrator), as applied by this Part of this Schedule in relation to a foreign company, shall have effect as follows.
- (2) In subsection (1)(a), the reference to the affairs, business and property of the company shall be taken as a reference to—
- (a) the affairs and business of the foreign company so far as carried on in Great Britain, and
- (b) the property of that company so far as that property is for the time being situated within Great Britain.
- (3) Subsection (2)(a) shall be omitted.
- (4) In subsection (4)—
- (a) the reference to any power conferred on the company or its officers shall be taken to include any power conferred on the foreign company or its officers under the law under which the foreign company is incorporated; and
- (b) any reference (however expressed) to the exercise of any power conferred on the company or its officers shall be taken as a reference to the exercise of that power so far as it relates to—
- (i) the affairs and business of the foreign company so far as carried on in Great Britain, or
- (ii) the property of that company so far as that property is for the time being situated within Great Britain.

Power to deal with charged property

- 16 In section 15 of the 1986 Act (power of administrator to deal with charged property etc), as applied by this Part of this Schedule in relation to a foreign company, any reference 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.

Duties of special PPP administrator

- 17 In section 17 of the 1986 Act (general duties of administrator), as applied by this Part of this Schedule in relation to a foreign company,—
- (a) in subsection (1), the reference to property shall be taken as a reference to property for the time being situated within Great Britain; and
- (b) in subsection (2), the reference to the affairs, business and property of the company shall be taken as a reference to—
- (i) the affairs and business of the foreign company so far as carried on in Great Britain, and
- (ii) the property of that company so far as that property is for the time being situated within Great Britain.

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Statement as to company's affairs

- 18 In section 22(1) of the 1986 Act (power of administrator to require certain persons to provide him with a statement as to company's affairs), as applied by this Part of this Schedule in relation to a foreign company, the reference to the affairs of the company shall be taken as a reference to the affairs of the foreign company so far as they are carried on in Great Britain, or relate to property of that company for the time being situated within Great Britain.

Particular powers of special PPP administrator

- 19 (1) The powers conferred on a special PPP administrator by virtue of Schedule 1 to the 1986 Act (which sets out certain powers of an administrator), as that Schedule applies by virtue of section 14 of that Act, as applied by this Part of this Schedule in relation to a foreign company, shall be exercisable only in relation to—
- (a) the affairs and business of that company, so far as carried on in Great Britain; and
 - (b) the property of that company, so far as that property is for the time being situated within Great Britain.
- (2) In that Schedule, as it so applies,—
- (a) without prejudice to sub-paragraph (1) above, references to the property of that company shall be taken as references to that property, so far as that property is for the time being situated within Great Britain; and
 - (b) paragraph 19 shall be omitted.

PART III

SUPPLEMENTAL

General adaptations and saving

- 20 (1) Subject to the preceding provisions of this Schedule, references in the 1986 Act (except in sections 8 to 10 and 24 to 26), or in any other enactment passed before this Act, to an administration order under Part II of that Act, to an application for such an order and to an administrator shall include references, respectively, to a PPP administration order, to an application for a PPP administration order and to a special PPP administrator.
- (2) Subject as aforesaid and to sub-paragraph (3) below, references in the 1986 Act, or in any other enactment passed before this Act, to an enactment contained in Part II of that Act shall include references to that enactment as applied by section 221, 222, 223 or 224 of this Act or Part I or II of this Schedule.
- (3) Sub-paragraphs (1) and (2) above shall apply in relation to a reference in an enactment contained in Part II of the 1986 Act only so far as necessary for the purposes of the operation of the provisions of that Part as so applied.
- (4) The provisions of this Schedule shall be without prejudice to the power conferred by section 411 of the 1986 Act (company insolvency rules), as modified by sub-paragraphs (1) and (2) above.

Interpretation

- 21 (1) In this Schedule “the 1986 Act” means the Insolvency Act 1986.
- (2) In this Schedule, and in any modification of the 1986 Act made by this Schedule, “special PPP administrator”, in relation to a PPP administration order, means any person appointed in relation to that order for the purposes of section 220(1) of this Act; and in any such modification “PPP administration order” has the same meaning as in Chapter VII of Part IV of this Act.

SCHEDULE 15

Section 220.

TRANSFER OF RELEVANT ACTIVITIES IN CONNECTION WITH PPP ADMINISTRATION ORDERS

Application of Schedule

- 1 (1) This Schedule shall apply in any case where—
- (a) the court has made a PPP administration order in relation to a PPP company (“the existing appointee”); and
 - (b) it is proposed that, on and after a date appointed by the court, another company (“the new appointee”) should carry on the relevant activities of the existing appointee, in place of the existing appointee.
- (2) In this Schedule—
- “the court”, in the case of any PPP company, means the court having jurisdiction to wind up the company;
- “other appointee” means any company, other than the existing appointee or the new appointee, which may be affected by the proposal mentioned in sub-paragraph (1)(b) above;
- “the relevant date” means such day, being a day before the discharge of the PPP administration order takes effect, as the court may appoint for the purposes of this Schedule; and
- “special PPP administrator”, in relation to a company in relation to which a PPP administration order has been made, means the person for the time being holding office for the purposes of section 220(1) of this Act.

Making and modification of transfer schemes

- 2 (1) The existing appointee, acting with the consent of the new appointee and, in relation to the matters affecting them, of any other appointees, may make a scheme under this Schedule for the transfer of property, rights and liabilities from the existing appointee to the new appointee.
- (2) A scheme under this Schedule shall not take effect unless it is approved by the Mayor.
- (3) Where a scheme under this Schedule is submitted to the Mayor for his approval, he may, with the consent of the new appointee, of the existing appointee and, in relation to the matters affecting them, of any other appointees, modify the scheme before approving it.
- (4) If at any time after a scheme under this Schedule has come into force in relation to the property, rights and liabilities of any company the Mayor considers it appropriate to

do so and the existing appointee, the new appointee and, in relation to the provisions of the order which affect them, any other appointees consent to the making of the order, the Mayor may by order provide that that scheme shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.

- (5) An order under sub-paragraph (4) above may make, with effect from the coming into force of the scheme to which it relates, any such provision as could have been made by the scheme and, in connection with giving effect to that provision from that time, may contain such supplemental, consequential and transitional provision as the Mayor considers appropriate.
- (6) In determining, in accordance with the duties imposed upon him by or under this Act or any other enactment (whenever passed or made), whether and in what manner to exercise any power conferred on him by this paragraph, the Mayor shall have regard to the need to ensure that any provision for the transfer of property, rights and liabilities in accordance with a scheme under this Schedule allocates property, rights and liabilities to the different companies affected by the scheme in such proportions as appear to him to be appropriate in the context of the different relevant activities of the existing appointee which will, by virtue of this Act, be carried out at different times on and after the relevant date by the new appointee, by the existing appointee and by any other appointees.
- (7) It shall be the duty of the new appointee, of the existing appointee and of any other appointees to provide the Mayor with all such information and other assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any power conferred on him by this paragraph.
- (8) Without prejudice to the other provisions of this Act relating to the special PPP administrator of a company, anything which is required by this paragraph to be done by a company shall, where that company is a company in relation to which a PPP administration order is in force, be effective only if it is done on the company's behalf by its special PPP administrator.

Transfers by scheme

- 3 (1) A scheme under this Schedule for the transfer of the existing appointee's property, rights and liabilities shall come into force on the relevant date and, on coming into force, shall have effect, in accordance with its provisions and without further assurance, so as to transfer the property, rights and liabilities to which the scheme relates to the new appointee.
- (2) For the purpose of making any division of property, rights or liabilities which it is considered appropriate to make in connection with the transfer of property, rights and liabilities in accordance with a scheme under this Schedule, the provisions of that scheme may—
 - (a) create for the existing appointee, the new appointee or any other appointees an interest in or right over any property to which the scheme relates;
 - (b) create new rights and liabilities as between any two or more of those companies; and
 - (c) in connection with any provision made by virtue of paragraph (a) or (b) above, make incidental provision as to the interests, rights and liabilities of other persons with respect to the subject-matter of the scheme.

- (3) The property, rights and liabilities of the existing appointee that shall be capable of being transferred in accordance with a scheme under this Schedule shall include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the existing appointee;
 - (b) such property, rights and liabilities to which the existing appointee may become entitled or subject after the making of the scheme and before the relevant date as may be described in the scheme;
 - (c) property situated anywhere in the United Kingdom or elsewhere;
 - (d) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (4) The provision that may be made by virtue of sub-paragraph (2)(b) above includes—
- (a) provision for treating any person who is entitled by virtue of a scheme under this Schedule to possession of a document as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
 - (b) provision applying section 64 of the Law of Property Act 1925 (production and safe custody of documents) in relation to any case in relation to which provision falling within paragraph (a) above has effect.
- (5) For the avoidance of doubt, it is hereby declared that the transfers authorised by paragraph (a) of sub-paragraph (3) above include transfers which, by virtue of that paragraph, are to take effect as if there were no such contravention, liability or interference with any interest or right as there would be, in the case of a transfer or assignment otherwise than in accordance with a scheme under this Schedule, by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the existing appointee is entitled or subject to the property, right or liability in question.

Transfer of licences

- 4 (1) A scheme under this Schedule may provide for a licence held by the existing appointee to have effect as if it had been granted to the new appointee.
- (2) Different schemes under this Schedule may provide for a licence held by the same existing appointee to have effect as if it had been granted as a separate licence to each of the new appointees under those schemes.
- (3) In this paragraph “licence” means a licence under section 8 of the Railways Act 1993.

Supplemental provisions of schemes

- 5 (1) A scheme under this Schedule may contain supplemental, consequential and transitional provision for the purposes of, or in connection with, the provision for the transfers or any other provision made by the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme under this Schedule may provide—
- (a) that for purposes connected with any transfers made in accordance with the scheme (including the transfer of rights and liabilities under an enactment) the new appointee is to be treated as the same person in law as the existing appointee;

- (b) that, so far as may be necessary for the purposes of or in connection with any such transfers, agreements made, transactions effected and other things done by or in relation to the existing appointee are to be treated as made, effected or done by or in relation to the new appointee;
- (c) that, so far as may be necessary for the purposes of or in connection with any such transfers, references in any agreement (whether or not in writing) or in any deed, bond, instrument or other document to, or to any officer of, the existing appointee are to have effect with such modifications as are specified in the scheme;
- (d) that proceedings commenced by or against the existing appointee are to be continued by or against the new appointee;
- (e) that the effect of any transfer under the scheme in relation to contracts of employment with the existing appointee is not to be to terminate any of those contracts but is to be that periods of employment with the existing appointee are to count for all purposes as periods of employment with the new appointee;
- (f) that disputes as to the effect of the scheme between the existing appointee and the new appointee, between either of them and any other appointee or between different companies which are other appointees are to be referred to such arbitration as may be specified in or determined under the scheme;
- (g) that determinations on such arbitrations and certificates given jointly by two or more such appointees as are mentioned in paragraph (f) above as to the effect of the scheme as between the companies giving the certificates are to be conclusive for all purposes.

Duties of existing appointee after the scheme comes into force

- 6 (1) A scheme under this Schedule may provide for the imposition of duties on the existing appointee and on the new appointee to take all such steps as may be requisite to secure that the vesting in the new appointee, by virtue of the scheme, of any foreign property, right or liability is effective under the relevant foreign law.
- (2) The provisions of a scheme under this Schedule may require the existing appointee to comply with any directions of the new appointee in performing any duty imposed on the existing appointee by virtue of a provision included in the scheme under subparagraph (1) above.
- (3) A scheme under this Schedule may provide that, until the vesting of any foreign property, right or liability of the existing appointee in the new appointee is effective under the relevant foreign law, it shall be the duty of the existing appointee to hold that property or right for the benefit of, or to discharge that liability on behalf of, the new appointee.
- (4) Nothing in any provision included by virtue of this paragraph in a scheme under this Schedule shall be taken as prejudicing the effect under the law of any part of the United Kingdom of the vesting by virtue of the scheme in the new appointee of any foreign property, right or liability.
- (5) A scheme under this Schedule may provide that, in specified cases, foreign property, rights or liabilities that are acquired or incurred by an existing appointee after the scheme comes into force are immediately to become property, rights or liabilities of the new appointee; and such a scheme may make the same provision in relation to any such property, rights or liabilities as can be made, by virtue of the preceding

provisions of this paragraph, in relation to foreign property, rights and liabilities vested in the existing appointee when the scheme comes into force.

- (6) References in this paragraph 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 to be 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) Any expenses incurred by an existing appointee in consequence of any provision included by virtue of this paragraph in a scheme under this Schedule shall be met by the new appointee.
- (8) Duties imposed on a company by virtue of this paragraph shall be enforceable in the same way as if they were imposed by a contract between the existing appointee and the new appointee.

Functions exercisable by virtue of PPP agreements

- 7 (1) A scheme under this Schedule may provide that any functions exercisable by the existing appointee by virtue of a PPP agreement shall instead be—
- (a) exercisable by the new appointee or any of the other appointees;
 - (b) concurrently exercisable by two or more companies falling within paragraph (a) above; or
 - (c) concurrently exercisable by the existing appointee and one or more companies falling within paragraph (a) above;
- and different schemes under this Schedule may provide for any such functions exercisable by the same existing appointee to have effect as mentioned in paragraphs (a) to (c) above in relation to each of the new appointees under those schemes or of all or any of the other appointees.
- (2) Sub-paragraph (1) above applies in relation to any function under a statutory provision if and to the extent that the statutory provision—
- (a) relates to any part of the existing appointee's undertaking, or to any property, which is to be transferred by the scheme; or
 - (b) authorises the carrying out of works designed to be used in connection with any such part of the existing appointee's undertaking or the acquisition of land for the purpose of carrying out any such works.
- (3) A scheme under this Schedule may define any functions exercisable by the existing appointee which are instead to be made exercisable or concurrently exercisable by the scheme in accordance with sub-paragraph (1) above—
- (a) by specifying the statutory provisions in question;
 - (b) by referring to all the statutory provisions which—
 - (i) relate to any part of the existing appointee's undertaking, or to any property, which is to be transferred by the scheme, or
 - (ii) authorise the carrying out of works designed to be used in connection with any such part of the existing appointee's undertaking or the acquisition of land for the purpose of carrying out any such works; or
 - (c) by referring to all the statutory provisions within paragraph (b) above, but specifying certain excepted provisions.

- (4) In this paragraph “statutory provision” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature.

SCHEDULE 16

Section 241.

THE FREE TRAVEL SCHEME

Concessions required for blind persons

- 1 In any financial year during which the free travel scheme has effect, the concession required by the scheme in the case of all eligible London residents in the blind persons' category is the waiver, on production of a travel concession permit issued to any such resident under paragraph 4(2) below, of any fare otherwise payable by the person to whom it was issued for any journey falling within section 242(2) of this Act.

Concessions required for other eligible London residents

- 2 (1) In any financial year during which the free travel scheme has effect, the concession required by the scheme in the case of all eligible London residents in any other category (persons who have attained pensionable age or whose ability to walk is seriously impaired) is the concession described in sub-paragraph (2) below.
- (2) The concession mentioned in sub-paragraph (1) above is the waiver, on production of a travel concession permit issued to any such resident under paragraph 4(2) below, of any fare otherwise payable by the person to whom it was issued for any journey falling within section 242(2) of this Act and beginning—
- (a) at any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971; or
 - (b) in an eligible period on any other day.
- (3) Subject to sub-paragraph (4) below, for the purposes of paragraph (b) of sub-paragraph (2) above the eligible periods are—
- (a) the period from midnight to 4.30 a.m.; and
 - (b) the period from 9 a.m. to midnight.
- (4) The periods which are eligible periods for the purposes of sub-paragraph (2)(b) above may be altered from time to time by Transport for London by notice published in such manner as it thinks fit, specifying the new period or periods and the effective date of the alteration.
- (5) A notice under sub-paragraph (4) above may not specify an effective date for the alteration of a period to which it applies falling earlier than three months after the date of publication of the notice.
- (6) Before publishing a notice under sub-paragraph (4) above Transport for London shall consult each London authority and the London Transport Users' Committee.

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

Notification

- 3 As soon as it appears to Transport for London that the free travel scheme will have effect during the next financial year, Transport for London shall notify each London authority that the scheme will have effect during that financial year.

Issue of permits

- 4 (1) For the purposes of the operation of the free travel scheme in any financial year during which the scheme has effect, Transport for London shall from time to time supply to each London authority such travel concession permits as appear to Transport for London to be required by that council for issue to eligible London residents in accordance with the following provisions of this paragraph.
- (2) Subject to sub-paragraph (3) below, a London authority shall issue a travel concession permit supplied by Transport for London under sub-paragraph (1) above to any eligible London resident who applies for one and is resident in the area of that authority.
- (3) The issue of such a permit by any London authority shall be subject to such terms, limitations or conditions as the authority may, with the approval of the Mayor, from time to time determine as respects any category of eligible London residents.

Charges made for permits

- 5 (1) Before 1st February in any financial year (referred to in this paragraph as the “current financial year”) immediately preceding a financial year during which the free travel scheme will have effect, Transport for London shall notify each London authority of the charge to be paid by the authority to Transport for London—
- (a) for each quarter of the financial year during which the free travel scheme will have effect;
 - (b) in respect of each travel concession permit issued under paragraph 4(2) above and valid on the first day of that quarter.
- (2) The charges payable by London authorities under this paragraph—
- (a) shall be fixed by Transport for London with a view to securing that the costs of the operation of the free travel scheme are met from the proceeds of those charges (taking one financial year during which the scheme has effect with another, where the scheme has effect during two or more consecutive financial years); and
 - (b) may differ for different quarters of a financial year.
- (3) The reference in sub-paragraph (2)(a) above to the costs of the operation of the free travel scheme is a reference, in relation to any financial year taken into account in fixing any charges under that sub-paragraph, to the aggregate of the amounts specified in sub-paragraph (4) below.
- (4) Those amounts are—
- (a) the revenue by way of fares which Transport for London estimates that it and any of its subsidiaries have lost or will lose in that year in consequence of the provision of free travel under the scheme; and
 - (b) any other costs which Transport for London has incurred or estimates that it will incur in that year in connection with providing, or for the purpose of securing the provision of, free travel under the scheme (including any

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payments Transport for London has made or proposes to make for that purpose to any person with whom they have entered into an agreement by virtue of section 156(2) or (3) of this Act or who has entered into a transport subsidiary's agreement).

- (5) In fixing the charges payable by London authorities under this paragraph Transport for London shall take into account—
- (a) the sum applicable by virtue of sub-paragraph (6) below; and
 - (b) the matters specified in sub-paragraph (7) below.
- (6) The sum applicable by virtue of this sub-paragraph is—
- (a) where the free travel scheme does not have effect during the current financial year, a sum equivalent to the total of the costs agreed to be reimbursed by local authorities during the current financial year under arrangements made by virtue of section 240(1) of this Act; or
 - (b) where the free travel scheme has effect during the current financial year, a sum equivalent to the charges payable by London authorities under this paragraph in respect of the current financial year.
- (7) The matters specified in this sub-paragraph are—
- (a) the coming into operation of a service falling within section 242(3) of this Act, or the variation or discontinuance of such a service,
 - (b) changes in the fares payable in respect of any such service, and
 - (c) changes in the methods or information available to Transport for London for calculating the amounts specified in sub-paragraph (4) above,
- since costs were last agreed to be reimbursed by local authorities under arrangements made by virtue of section 240(1) of this Act or, if more recent, since charges payable under this paragraph were last fixed.

Payments by London authorities

- 6 (1) Before the end of the first month of each quarter of each financial year during which the free travel scheme has effect, each London authority shall—
- (a) pay to Transport for London, in respect of each travel concession permit issued by that authority and valid on the first day of that quarter, the charge fixed by Transport for London under paragraph 5 above which is applicable to that permit for that quarter;
 - (b) provide Transport for London with a written statement giving the particulars required by sub-paragraph (2) below with respect to the travel concession permits supplied to the authority by Transport for London under paragraph 4(1) above; and
 - (c) if required to do so by Transport for London, return to Transport for London all such permits which have not been issued by the authority before the beginning of that quarter.
- (2) The particulars required by this sub-paragraph in any statement under sub-paragraph (1)(b) above with respect to any quarter of the financial year in question are—
- (a) the number of travel concession permits supplied to the authority by Transport for London under paragraph 4(1) above and issued to eligible London residents of each category which are valid on the first day of that quarter;

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- (b) the number of such permits so issued (if any) which expired or were surrendered to the authority during the last preceding quarter; and
- (c) the number of such permits supplied for issue to eligible London residents of each category which have not been issued by the authority before the beginning of the quarter for which the statement is required.

Local authority’s opinion of disability or injury

- 7 For the purposes of the operation of the free travel scheme, the reference in section 240(5)(c) of this Act to the local authority by whom the cost incurred in granting concessions to a person falls to be reimbursed shall be taken as a reference to the local authority in whose area the person in question resides.

Annual report of Transport for London

- 8 With respect to each financial year during which the free travel scheme has effect, the annual report of Transport for London under section 161 of this Act shall contain a statement of—
- (a) the manner in which the charges fixed under paragraph 5 above in respect of each quarter of that year were calculated; and
 - (b) the aggregate of the amounts paid to Transport for London during that year by London authorities under paragraph 6(1)(a) above.

SCHEDULE 17

Section 245.

PENALTY FARES

Introductory

- 1 (1) In this Schedule unless the context otherwise requires—
- “authorised person” means, in relation to any purpose, a person authorised for that purpose by Transport for London or by the person providing the service;
- “compulsory ticket area” means that part of a station which, under the byelaws of the person providing a train service to which this Schedule applies, passengers are not permitted to enter without a fare ticket, general travel authority or platform ticket;
- “fare ticket” means a ticket (including one issued by a third person) showing payment of a fare and authorising the person in respect of whom it is issued to make a single journey covered by that fare on a local service or train service to which this Schedule applies, or to make that journey and a return journey (whether or not it also authorises him to make a journey on a service provided by a third person);
- “general travel authority” means any permit (including one issued by a third person), other than a fare ticket, authorising the person in respect of whom it is issued to travel on a local service or train service to which this Schedule applies (whether or not it also authorises him to travel on a service provided by a third person);

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“penalty fare” means a penalty fare payable pursuant to paragraph 3 or 4 below;

“the penalty fare provisions” means paragraphs 3 to 8 below;

“person providing the service” means the operator of the service, except that, in the case of a service provided in pursuance of an agreement entered into by Transport for London under section 156(2) or (3)(a) of this Act or in pursuance of a transport subsidiary’s agreement, means Transport for London;

“platform ticket” means a ticket authorising a person to enter a compulsory ticket area but not to make a journey;

“station” means a station serving a train service to which this Schedule applies;

“third person” means a person other than one referred to in paragraph 2(1) (a) or (b) below; and

“train service” means a service for the carriage of passengers by rail.

- (2) Subject to sub-paragraph (3) below, a person is travelling on a train service to which this Schedule applies at any time when he is on a train forming part of that service or is in a compulsory ticket area.
- (3) A person at a station is not to be taken as travelling by reason only of being in a compulsory ticket area or boarding a train at that station if he has entered that area or boards that train otherwise than for the purpose of making a journey and produces, if required to do so by an authorised person, a valid platform ticket.
- (4) Any reference in this Schedule to a person producing a fare ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a fare ticket or general travel authority which, either by itself or together with any other fare ticket or general travel authority produced by that person at the same time, is valid for the journey he has made.
- (5) For the purposes of sub-paragraph (4) above—
 - (a) a person who has entered a compulsory ticket area otherwise than by transferring from a train service provided by a third person but has not boarded a train shall be taken to have made a journey for which the minimum fare is payable; and
 - (b) a person who is on a train shall be taken to have made a journey ending at the next station at which the train is scheduled to stop.
- (6) In sub-paragraph (5) above “minimum fare” means the minimum fare for which a journey from the station in question could validly be made by the person in question.
- (7) For the purposes of this Schedule a person is to be taken as transferring from a service provided by a third person to a service to which this Schedule applies if, but only if, having travelled on a train forming part of the former service, he—
 - (a) goes from that train into a compulsory ticket area and finishes his journey at the station of which that area forms part; or
 - (b) goes from that train into a compulsory ticket area and from that area boards a train forming part of a service to which this Schedule applies.
- (8) For the purposes of sub-paragraph (7)(b) above, in a case where the transfer takes place at a station controlled by a third person, “compulsory ticket area” means such

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area at that station as corresponds with a compulsory ticket area within the meaning of this Schedule.

Operation of this Schedule

- 2 (1) This Schedule applies to any local service or train service provided—
- (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) or (3)(a) of this Act, or in pursuance of a transport subsidiary's agreement, which provides that this Schedule is to apply to services provided in pursuance of that agreement.
- (2) References in the following provisions of this Schedule to a local service or to a train service are, unless the context otherwise requires, references to a local service or a train service to which this Schedule applies.
- (3) The penalty fare provisions have effect in relation to travel on any local service or train service or any part of such a service if an order under sub-paragraph (4) below is for the time being in force in respect of such service or part of a service.
- (4) The Mayor may by order provide that the penalty fare provisions shall have effect, as from such day as may be specified in the order, with respect to any local service or train service or any part of any local service or train service, and different days may be specified in any such order with respect to different services or different parts of any service.
- (5) The revocation by the Mayor of an order made under sub-paragraph (4) above shall be without prejudice to the power of the Mayor to make further orders under that sub-paragraph as respects any service or part of a service dealt with by the order.
- (6) Any activating order made by the Secretary of State under section 3(4) of the London Regional Transport (Penalty Fares) Act 1992 and in force immediately before the coming into force of sub-paragraph (4) above shall have effect as from the coming into force of that sub-paragraph as if it were an order made by the Mayor under that sub-paragraph.
- (7) For the purposes of this Schedule a reference to an agreement entered into by Transport for London under section 156(2) or (3) of this Act 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 of this Act has effect as if made by Transport for London.

Penalty fares on local services

- 3 (1) If a person travelling on a ticket bus service who has had a reasonable opportunity to obtain a fare ticket for a journey on that service fails to produce a fare ticket or a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.
- (2) If a person travels on a non-ticket bus service without paying the fare properly payable for a journey on that service and, while so travelling, fails to produce a

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general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

- (3) In this paragraph a “ticket bus service” means a local service on which fare tickets are issued in return for fares paid by persons travelling on that service, and a “non-ticket bus service” means a local service on which fare tickets are not so issued.

Penalty fares on trains

- 4 (1) Subject to sub-paragraph (2) below, if a person travelling on a train service fails to produce a fare ticket or a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.
- (2) Subject to sub-paragraph (3) below, a person shall not be liable to pay a penalty fare under this paragraph if at the time when and the station where he started to travel on the train service there were no facilities available for the sale of the necessary fare ticket for his journey.
- (3) A person who starts to travel on a train service by transferring to that service from a train service provided by a third person shall not be liable to pay a penalty fare under this paragraph if—
- (a) on being required to produce a fare ticket or general travel authority he produces a valid deferred fare authority issued by that person; or
 - (b) at the time when and the station where he started to travel on the train service provided by that person there were no facilities for either the sale of the necessary fare ticket for his journey or the sale of deferred fare authorities.
- (4) Without prejudice to sub-paragraphs (2) or (3) above, a person shall not be liable to pay a penalty fare under this paragraph if at the time when and the station where his journey began—
- (a) there was displayed a notice (however expressed) indicating that it was permissible for passengers beginning a journey at that station at that time to do so without having a fare ticket or a general travel authority or (in the case of a station controlled by a third person) a deferred fare authority; or
 - (b) a person in the uniform of the person controlling that station gave permission to the same effect.
- (5) In sub-paragraph (3) above, “deferred fare authority” means a ticket or other document described as such on its face; and a deferred fare authority is valid for the purposes of that paragraph if it authorises a person in possession of it to start a journey at the time when and the station where the person producing it started his journey.
- (6) Sub-paragraphs (7) and (8) below have effect with respect to the burden of proof in any action for the recovery of a penalty fare under this paragraph, so far as concerns the question whether the facts of the case fall within sub-paragraphs (2), (3)(b) or (4) above.
- (7) In any case where the defendant has provided the plaintiff with a relevant statement in due time it shall be for the plaintiff to show that the facts of the case do not fall within sub-paragraph (2), (3)(b) or (4) above and in any other case it shall be for the defendant to show that the facts of the case fall within any of those provisions.
- (8) For the purposes of sub-paragraph (7) above—

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- (a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket, general travel authority or (where relevant) deferred fare authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the time when and the station where he started to travel on the train service and also, if he started so to travel when he transferred from a train service provided by a third person, the time when and the station where he started to travel on that service); and
- (b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

Amount of penalty fare

- 5 (1) Subject to sub-paragraph (2) below, a penalty fare shall be—
- (a) in respect of any journey on a local service, £5;
 - (b) in respect of any train journey, £10;
- and shall be payable to the person providing the service on which the requirement to pay the penalty fare is made before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.
- (2) The Mayor may by order prescribe that the amount of the penalty fare in either or both of the cases set out in sub-paragraph (1) above shall be different (whether higher or lower).
- (3) No order may be made by the Mayor under sub-paragraph (2) above unless he has consulted the Secretary of State and—
- (a) such persons or bodies representative of local authorities,
 - (b) such persons or bodies representative of those who travel on local services and train services, and
 - (c) such other persons or bodies,
- as the Mayor considers it appropriate to consult.

Documents in connection with penalty fare requirement

- 6 (1) An authorised person who requires a person (referred to below as “the passenger”) to pay a penalty fare shall give him either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.
- (2) A receipt or notice given under sub-paragraph (1) above shall specify the passenger's destination on the local service or train service on which he is travelling when required to pay the penalty fare, and shall operate as an authority to him to complete his journey to or at that destination.
- (3) For the purposes of sub-paragraph (2) above, the passenger's destination shall (unless he is at that destination or only one destination is possible in the circumstances) be taken to be the destination stated by the passenger or, in default of any statement by him for that purpose, such destination as may be specified by the authorised person.

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Supplementary provision

- 7
- (1) A person who is required to pay a penalty fare shall, unless he pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires him to do so, his name and address.
 - (2) A person failing to give his name and address when required to do so under sub-paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
 - (3) Transport for London shall secure that the requirements of sub-paragraph (4) or, as the case may be, (5) below with respect to warning notices are met in the case of a local service or train service in relation to travel on which the penalty fare provisions have effect.
 - (4) In the case of a local service, a warning notice meeting the requirements of sub-paragraphs (6) and (7) below shall be posted in every vehicle used in providing that service or, where any such vehicle has more than one deck, on each deck of that vehicle, in such a position as to be readily visible to persons travelling on the vehicle.
 - (5) In the case of a train service, a warning notice meeting the requirements of sub-paragraphs (6) and (7) below shall be posted—
 - (a) at every station at which persons may start to travel on that service, in such a position as to be readily visible to prospective passengers; and
 - (b) in every carriage of every train used in providing that service in such a position as to be readily visible to passengers travelling in the carriage.
 - (6) A warning notice posted pursuant to sub-paragraph (4) or (5) above shall (however expressed) indicate the circumstances (as provided in paragraph 3(1) or (2) above or, as the case may be, paragraph 4(1) above) in which persons travelling on the service in question may be liable to pay a penalty fare.
 - (7) Every warning notice posted in pursuance of this paragraph shall state the amount of the relevant penalty fare.
 - (8) Where an authorised person requires any person to do anything pursuant to any provision of this Schedule he shall, if so requested by the person concerned, produce to that person a duly authenticated document showing his authority.
 - (9) A requirement by an authorised person shall be of no effect if, as respects that requirement, he fails to comply with sub-paragraph (8) above.

Exclusion of double liability

- 8
- (1) Where a person has become liable under paragraph 3 or 4 above to pay a penalty fare in respect of any journey on a local service or any train journey (referred to below as “the relevant journey”), no proceedings may be brought against him for any of the offences specified in sub-paragraph (3) below before the end of the period mentioned in paragraph 5(1) above.
 - (2) No proceedings may be brought after the end of that period if—
 - (a) before the end of that period, the person who has become liable to pay the penalty fare has paid it to the person providing the service on which the requirement to pay it was made; or

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- (b) an action has been brought against the person who has become liable to pay the penalty fare for the recovery of that fare.
- (3) The offences mentioned in sub-paragraph (1) above are—
- (a) any offence under section 5(3)(a) or (b) of the Regulation of Railways Act 1889 (travelling without paying the correct fare with intent to avoid payment) arising from the relevant journey;
 - (b) any offence under byelaws made under section 67 of the Transport Act 1962 or paragraph 26 of Schedule 11 to this Act (byelaws for railways, etc.) involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey; and
 - (c) any offence under section 25(3) of the Public Passenger Vehicles Act 1981 of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it.
- (4) If proceedings are brought in contravention of this paragraph the person who has become liable to pay the penalty fare shall cease to be liable to pay it, but where that person has paid that fare, the person to whom it is paid shall be liable to repay to that person the amount of that fare.

Power to apply Schedule to certain other train services

- 9 (1) This paragraph applies to any services for the carriage of passengers by railway which do not fall within paragraph 2(1) above but which—
- (a) are provided wholly within Greater London; and
 - (b) 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 train services”.
- (2) The Mayor may, on the application of a person who provides qualifying train services, by order provide that this Schedule shall apply, from such date and with such modifications as may be specified in the order, to qualifying train services provided by that person.
- (3) The power to make an order under sub-paragraph (2) above includes power, exercisable in the same manner and subject to the same conditions and limitations, to revoke, amend or re-enact any such order.
- (4) Without prejudice to sub-paragraph (3) above, an order under sub-paragraph (2) above may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in such an order.
- (5) An order under sub-paragraph (2) above, and any order revoking, amending or re-enacting such an order, may contain such incidental, supplemental, consequential or transitional provision as may appear to the Mayor to be necessary or expedient.
- (6) Where a person makes an application for an order under sub-paragraph (2) above, or for an order revoking, amending or re-enacting such an order, the Mayor may recover from that person payments in respect of the administrative costs reasonably incurred in connection with—
- (a) the application, and

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- (b) if an order is made as a result of the application, the making of the order, not exceeding £5,000 in the aggregate.
- (7) The Mayor shall secure that any order under sub-paragraph (2) 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 sub-paragraph (7) above.
- (9) Where any services become qualifying services by virtue of an order under sub-paragraph (1)(b) above, any order which—
 - (a) is contained in a statutory instrument made by the Secretary of State,
 - (b) makes provision for or in connection with the imposition of penalty fares on passengers travelling on those services, and
 - (c) is in force immediately before this paragraph begins to apply to the services by virtue of the order under sub-paragraph (1)(b) above,may, so far as relating to those services, be revoked under this paragraph as if it were an order under sub-paragraph (2) above.
- (10) This paragraph applies in relation to a tramway as it applies in relation to a railway.
- (11) In this paragraph “railway” and “tramway” have the meaning given by section 67(1) of the Transport and Works Act 1992.

Appeals

- 10 (1) If requested to do so by the Mayor, the Secretary of State shall by regulations make provision enabling a person required to pay a penalty fare to appeal against that requirement.
- (2) Regulations under this paragraph may include provision—
 - (a) for appeals to be heard and determined by independent adjudicators,
 - (b) for the appointment of such adjudicators,
 - (c) for requiring Transport for London to reconsider, before an appeal is determined, whether the appellant should be required to pay the penalty fare, and
 - (d) for the adjudicator’s directions in relation to an appeal to be binding upon Transport for London and the appellant.

Repeal of London Regional Transport (Penalty Fares) Act 1992

- 11 The London Regional Transport (Penalty Fares) Act 1992 shall cease to have effect.

SCHEDULE 18

Section 247.

LONDON TRANSPORT USERS' COMMITTEE

Chairman

- 1 If the Assembly so determines, there shall be paid to the chairman of the Committee such remuneration as the Assembly may determine.

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2 If the Assembly so determines in the case of a person who has been remunerated under paragraph 1 above, a pension shall be paid to or in respect of that person, or payments towards the provision of a pension to or in respect of that person shall be made, in accordance with the determination.

3 If a person in receipt of remuneration under paragraph 1 above as chairman ceases to hold that office, and it appears to the Assembly that there are special circumstances which make it right that that person should receive compensation, he shall be paid by way of compensation a sum of such amount as the Assembly may determine.

4 The Assembly shall provide the Committee with funds with which to make payments in accordance with any determination made by the Assembly under paragraphs 1 to 3 above.

Officers

5 (1) The Committee may appoint such officers as appear to the Committee to be requisite for the performance of their functions.

(2) Appointments made under sub-paragraph (1) are—

- (a) to be made in accordance with any rules of appointment made by the Authority, and
- (b) subject to the approval of the Assembly.

Remuneration

6 (1) The Assembly shall provide the Committee with funds with which to pay—
(a) to their members, such travelling and other allowances as the Assembly may determine, and

(b) to their officers, such remuneration and such travelling and other allowances as the Committee may with the approval of the Assembly determine.

(2) The Assembly shall provide the Committee with funds with which to defray such other expenses in connection with the Committee's functions as the Assembly may determine to be appropriate.

(3) The Committee shall prepare and send to the Assembly not less than two months, or such other period as the Assembly may specify, before the beginning of each financial year a statement of the expenses which they expect to incur in respect of that year for the purposes of, or in connection with, the carrying on of their functions.

(4) The Assembly shall consider any statement sent to it under sub-paragraph (3) above and shall either approve the statement or approve it with such modifications as it considers appropriate.

Pensions

7 (1) There shall be paid such pensions, or arrangements shall be made for the payment of such pensions, as the Assembly may determine to or in respect of such persons who are or have been officers of the Committee as the Assembly may determine.

(2) The Assembly shall provide the Committee with funds with which to pay any such pension or to finance any such arrangements.

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Accounts

- 8 (1) The Committee shall keep accounting records which—
- (a) set out and explain the Committee's financial transactions,
 - (b) disclose with reasonable accuracy the financial status of the Committee at any time, and
 - (c) enable the Committee to comply with the requirements of this Act in preparing any statement of accounts.
- (2) The Committee shall prepare in respect of each financial year a statement of accounts giving a true and fair view of—
- (a) the Committee's financial status at the end of that year, and
 - (b) the Committee's income and expenditure for that year.
- (3) If the Assembly issues guidance to the Committee as to the preparation of a statement of accounts, the Committee shall prepare the statement of accounts in compliance with the direction.
- (4) A statement of accounts shall be audited by a person appointed by the Assembly as auditor to do so.
- (5) A person shall not be qualified to be appointed as auditor unless—
- (a) he is eligible for appointment as a company auditor under Part II of the Companies Act 1989 (eligibility for appointment as company auditor), and
 - (b) if the Committee were a company to which section 384 of the Companies Act 1985 applies (duty to appoint auditors), he would not be ineligible for appointment as company auditor of the Committee by virtue of section 27 of the Companies Act 1989 (ineligibility on ground of lack of independence).
- (6) As soon as reasonably practicable after a statement of accounts has been audited, the auditor shall send a copy to the Assembly.
- (7) The Committee's financial year shall be such period as may be determined by the Assembly and notified to the Committee.

Accommodation

- 9 The Assembly may after consultation with the Rail Regulator make arrangements for the Committee to be provided with office accommodation.

Constitution and procedure

- 10 (1) The persons appointed to be members of the Committee shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the Committee, be eligible for reappointment.
- (2) Any person so appointed may at any time by notice in writing to the Assembly resign his office.
- 11 (1) The Committee shall meet—
- (a) at least twice a year; and
 - (b) whenever convened by the chairman.

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- (2) Without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required to do so by any three members of the Committee.
- (3) Minutes shall be kept of the proceedings of every meeting of the Committee; and copies of those minutes shall be sent to the Assembly, the Rail Regulator and the Central Rail Users' Consultative Committee.
- (4) Subject to the provisions of this Schedule the Committee shall determine their own procedure (including the quorum at meetings of the Committee).
- 12 The Committee may delegate the exercise and performance of any of their functions to such sub-committees of the Committee as they think fit.
- 13 (1) A sub-committee of the Committee may with the consent of the Assembly include persons who are not members of the Committee.
- (2) Where a person who is not a member of the Committee is a member of such a sub-committee, the Committee may pay to that person such travelling and other allowances in respect of that person's membership of the sub-committee as the Committee may determine.
- 14 The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members or by any defects in the appointment of a member.

Admission of public to meetings.

- 15 (1) Subject to sub-paragraph (2) below, meetings of the Committee shall be open to the public.
- (2) The public shall be excluded during any item of business where—
- (a) it is likely, were members of the public to be present during that item, that information furnished in confidence to the Committee by the Rail Regulator or the Franchising Director would be disclosed in breach of the obligation of confidence;
- (b) the Committee have resolved that, by reason of the confidential nature of the item or for other special reasons stated in the resolution, it is desirable in the public interest that the public be excluded; or
- (c) it is likely, were members of the public to be present during that item, that there would be disclosed to them—
- (i) any matter which relates to the affairs of an individual, or
- (ii) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate,
- where public disclosure of that matter would or might, in the opinion of the committee, seriously and prejudicially affect the interests of that individual or body.
- (3) The Committee shall give such notice—
- (a) of any meeting of the Committee which is open to the public, and
- (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),
- as they consider appropriate for the purpose of bringing the meeting to the attention of interested members of the public.

Investigation of complaints

- 16 (1) Section 25 of the Local Government Act 1974 (authorities subject to investigation by the Commission for Local Administration) shall be amended as follows.
- (2) In subsection (1)—
- (a) the word “and” preceding paragraph (d) shall cease to have effect; and
 - (b) at the end of paragraph (d) there shall be inserted “; and
 - (e) the London Transport Users' Committee.”
- (3) After subsection (4A) (which is inserted by section 74(3) above) there shall be inserted—
- “(4B) Any reference to an authority to which this Part of this Act applies also includes, in the case of the London Transport Users' Committee, a reference to a sub-committee of that Committee.”

Interpretation

- 17 In this Schedule “the Franchising Director” means the Director of Passenger Rail Franchising appointed by the Secretary of State under section 1 of the Railways Act 1993.

SCHEDULE 19

Section 252.

AMENDMENT OF ENACTMENTS RELATING TO THE
LONDON REGIONAL PASSENGERS' COMMITTEE*The Transport Act 1962*

- 1 In section 56(20)(b) of the Transport Act 1962 (meaning of “consultative committee” for the purposes of the section) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.

The Chronically Sick and Disabled Persons Act 1970

- 2 In section 14 of the Chronically Sick and Disabled Persons Act 1970 (regard to be had to the desirability of appointing persons with experience of the needs of disabled persons to statutory committees) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.

The House of Commons Disqualification Act 1975

- 3 In Schedule 1 to the House of Commons Disqualification Act 1975, in Part III (holders of certain offices disqualified for membership of the House of Commons) for “Chairman in receipt of remuneration of the London Regional Passengers' Committee” there shall be substituted “Chairman in receipt of remuneration of the London Transport Users' Committee”.

The Transport Act 1985

- 4 (1) Section 123 of the Transport Act 1985 (supplementary provisions relating to bus substitution services etc) shall be amended as follows.
- (2) In subsection (1)(a) (definition of “Area Committee”) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.
- (3) For the words in subsection (1) following paragraph (c), beginning “the London Regional Passengers' Committee” to the end of the subsection (meaning of “London area”), there shall be substituted “the London Transport Users' Committee is the Rail Users' Consultative Committee by virtue of section 2(9) of the Railways Act 1993.”.

The Railways Act 1993

- 5 (1) The Railways Act 1993 shall be amended as follows.
- (2) Section 2(1) (which abolishes the Area Transport Users Consultative Committees and provides that the London Regional Passengers' Committee shall cease to be treated as such a committee) shall cease to have effect.
- (3) In section 2(9) (which gives the meaning of “the Greater London area” for the purposes of the section) for the words from “immediately before the coming into force of this section” to the end there shall be substituted “immediately before the coming into force of section 252(1) of the Greater London Authority Act 1999 (which substitutes the London Transport Users' Committee for the London Regional Passengers' Committee in subsection (4) above) the London Regional Passengers' Committee was the co sultative committee under subsection (4) above.”.
- (4) In section 3(3)(b) (chairmen of consultative committees and chairman of London Regional Passengers' Committee to be members of the Central Rail Users' Consultative Committee) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.
- (5) In section 47(4)(b) (modification of section 123 of the Transport Act 1985 relating to bus substitution services in its application to the Franchising Director) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.
- (6) In section 145(7) (interpretation of the section, which relates to restrictions on disclosure of information under the Act) for “London Regional Passengers' Committee” there shall be substituted “London Transport Users' Committee”.

SCHEDULE 20

Section 253.

HACKNEY CARRIAGES

PART I

TRANSFERS OF FUNCTIONS AND AMENDMENTS

The London Hackney Carriages Act 1843

- 1
- (1) All the jurisdiction, powers, authorities, privileges, interests and duties which, immediately before the coming into force of this paragraph, were vested in or exercisable by the Commissioners of Police of the Metropolis by virtue of section 2 of the London Hackney Carriages Act 1850 (transfer of functions of registrar of metropolitan public carriages to Commissioners of Police of the Metropolis) are transferred to and vested in Transport for London by this sub-paragraph.
 - (2) The London Hackney Carriages Act 1843 shall accordingly be amended as follows.
 - (3) For “the registrar” and “the said registrar”, wherever occurring, there shall be substituted “Transport for London”.
 - (4) In section 18 (licences and tickets to be delivered up on discontinuance of licence) for “him” there shall be substituted “Transport for London”.
 - (5) In section 19 (new tickets to be delivered instead of defaced or lost tickets) for “for the use of Her Majesty” there shall be substituted “to Transport for London”.

The London Hackney Carriages Act 1850

- 2
- (1) The London Hackney Carriages Act 1850 shall be amended as follows.
 - (2) In section 4 (standings for hackney carriages to be appointed and regulated by the Commissioners of Police of the Metropolis)—
 - (a) for “the said Commissioners of Police” and, where first and second occurring, “the said commissioners” there shall be substituted “Transport for London”;
 - (b) for “signed by one of the said commissioners” there shall be substituted “signed by a person authorised for the purpose by Transport for London”;
 - (c) for “the office of the Commissioners of Police in the City of Westminster” there shall be substituted “the offices of Transport for London”;
 - (d) for “the signature of the said commissioner” there shall be substituted “the aforesaid signature”.

The London Hackney Carriage Act 1853

- 3
- (1) The London Hackney Carriage Act 1853 shall be amended as follows.
 - (2) In section 2 (powers of inspection of carriages etc) for—
 - (a) “the said Commissioners of Police”, and
 - (b) “the said commissioners”, in both places where those words occur, there shall be substituted “Transport for London”.

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

- (3) In section 17 (penalties for offences) in paragraph 1 (excessive fares and refusal to carry authorised number of passengers or reasonable quantity of luggage) for “the said Commissioners of Police” there shall be substituted “Transport for London”.
- (4) In section 20 (powers of Commissioners of Police etc) for the words from the beginning to “appoint; and” there shall be substituted “In this Act”.

The London Hackney Carriage (No. 2) Act 1853

- 4 (1) The London Hackney Carriage (No. 2) Act 1853 shall be amended as follows.
- (2) In section 16 (proprietors withdrawing carriage from hire beyond a certain time liable to penalty) for “the said Commissioners of Police” and “the Commissioners of Police” there shall be substituted “Transport for London”.

The Metropolitan Public Carriage Act 1869

- 5 (1) The Metropolitan Public Carriage Act 1869 shall be amended as follows.
- (2) In section 4 (interpretation)—
 - (a) for the definition of “Prescribed” there shall be substituted the following definitions—
 - ““London cab order” shall mean an order made by Transport for London.
 - “Prescribed” shall mean prescribed by London cab order.”; and
 - (b) at the end of the section there shall be added the following paragraph—
 - “Any power to make a London cab order under this Act includes power to vary or revoke a previous such order.”
- (3) For section 6 (grant of hackney carriage licences) there shall be substituted—

“6 Grant of hackney carriage licences

- (1) Transport for London shall have the function of licensing to ply for hire within the limits of this Act hackney carriages, to be distinguished in such manner as may be prescribed.
- (2) A licence under this section may—
 - (a) be granted on such conditions,
 - (b) be in such form,
 - (c) be subject to revocation or suspension in such event, and
 - (d) generally be dealt with in such manner,
 as may be prescribed.
- (3) Subsection (2) of this section is subject to the following provisions of this section.
- (4) A licence under this section shall, if not revoked or suspended, be in force for one year.
- (5) A fee of such amount (if any) as Transport for London may determine shall be paid to Transport for London—

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- (a) by any applicant for a licence under this section, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence under this section, on the grant of the licence.
- (6) In paragraph (b) of subsection (5) of this section “matter of fitness” means—
- (a) any matter as respects which Transport for London must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if Transport for London is not satisfied with respect to the matter, they may refuse to grant a licence under this section.
- (7) Different amounts may be determined under subsection (5) of this section for different purposes or different cases.
- (8) Transport for London may remit or refund the whole or part of a fee under subsection (5) of this section.
- (9) Provision shall be made by London cab order—
- (a) for the transfer of a licence under this section to the widow or to any child of full age of any person to whom such a licence has been granted who may die during the continuance of the licence leaving a widow or child of full age; and
 - (b) for the transfer of a licence under this section to the husband of any woman to whom such a licence has been granted and who marries during the continuance of the licence.”
- (4) In section 7 (penalty on use of unlicensed carriage) the words “by the said Secretary of State” shall cease to have effect.
- (5) For section 8 (hackney carriage to be driven by licensed drivers) there shall be substituted—

“8 Hackney carriage to be driven by licensed drivers

- (1) Transport for London shall have the function of licensing persons to be drivers of hackney carriages.
- (2) No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence under this section from Transport for London.
- (3) If any hackney carriage plies for hire in contravention of this section—
 - (a) the person driving the carriage, and
 - (b) the owner of the carriage, unless he proves that the driver acted without his privity or consent,shall each be liable to a penalty not exceeding level 3 on the standard scale.
- (4) Transport for London may send to the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London—

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- (a) details of a person to whom Transport for London is considering granting a licence under this section, and
 - (b) a request for the Commissioner’s observations;
- and the Commissioner shall respond to the request.
- (5) A licence under this section may—
- (a) be granted on such conditions,
 - (b) be in such form,
 - (c) be subject to revocation or suspension in such event, and
 - (d) generally be dealt with in such manner,
- as may be prescribed.
- (6) Subsection (5) of this section is subject to the following provisions of this section.
- (7) A licence under this section shall, if not revoked or suspended, be in force for three years.
- (8) A fee of such amount (if any) as Transport for London may determine shall be paid to Transport for London—
- (a) by any applicant for a licence under this section, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence under this section, on the grant of the licence.
- (9) In paragraph (b) of subsection (8) of this section “matter of fitness” means—
- (a) any matter as respects which Transport for London must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if Transport for London is not satisfied with respect to the matter, they may refuse to grant a licence under this section.
- (10) Different amounts may be determined under subsection (8) of this section for different purposes or different cases.
- (11) Transport for London may remit or refund the whole or part of a fee under subsection (8) of this section.”
- (6) In section 9 (regulations as to hackney and stage carriages)—
- (a) for “The said Secretary of State may from time to time by order” there shall be substituted “Transport for London may from time to time by London cab order”;
 - (b) in paragraph (1) of the restrictions (consents required for stands in the City appointed by the Secretary of State) for “the Secretary of State” there shall be substituted “Transport for London”; and
 - (c) at the end of the restrictions there shall be added—
- “(4) Any power of Transport for London to fix by regulations made by London cab order under this section any rates or fares to be paid

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for hackney carriages is exercisable subject to and in accordance with any directions given to Transport for London by the Mayor of London as to the basis on which those rates or fares are to be calculated.”

- (7) In section 10 (power of Secretary of State to annex penalty for breach of order) for “Where the Secretary of State is authorised to make any order under this Act, he” there shall be substituted “Where Transport for London is authorised to make a London cab order under this Act, Transport for London”.
- (8) For section 11 (other persons by whom licences may be granted) there shall be substituted—

“11 Grant of licences by other persons at direction of TfL

Any licence which may be granted by Transport for London under this Act may, if Transport for London so directs, be granted by such person as may be appointed for the purpose in the direction.”

- (9) In section 12 (powers to carry Act into execution)—
- (a) for “The said Secretary of State” there shall be substituted “Transport for London”; and
 - (b) for “he”, in both places where it occurs, there shall be substituted “Transport for London”.
- (10) In section 14 (power to affix placards etc to lamp posts) for “The Commissioner of the Metropolitan Police” there shall be substituted “Transport for London”.
- (11) In section 15 (existing Acts to continue in force) for “by any order or regulation of the said Secretary of State” there shall be substituted “by any London cab order”.

The London Cab and Stage Carriage Act 1907

- 6 (1) The London Cab and Stage Carriage Act 1907 shall be amended as follows.
- (2) In section 1(1) (power of Secretary of State to fix, by order under section 9 of the 1869 Act, fares for cabs fitted with taximeters)—
- (a) for “The Secretary of State” there shall be substituted “Transport for London”;
 - (b) after “regulations made” there shall be inserted “by London cab order”.
- (3) At the end of section 1 there shall be inserted—
- “(3) The power conferred by subsection (1) of this section is subject to paragraph (4) of the restrictions specified in section nine of the said Act of 1869.”
- (4) In section 2 (abolition of privileged cab system)—
- (a) in subsection (1) (charges for admission to railway station not to exceed sum allowed by Secretary of State) for “the Secretary of State” there shall be substituted “Transport for London”; and
 - (b) in subsection (2) (power of Secretary of State by order to suspend or modify the section in relation to a station if satisfied of insufficient supply of cabs at the station)—

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- (i) for “the Secretary of State”, in both places, there shall be substituted “Transport for London”; and
 - (ii) for “by order” there shall be substituted “by London cab order”.
- (5) In section 6 (definitions) in subsection (1)—
- (a) after the definition of the expression “fare” there shall be inserted “the expression “London cab order” has the same meaning as in the Metropolitan Public Carriage Act 1869”; and
 - (b) in the definition of “taximeter” (which requires the device to be approved by or on behalf of the Secretary of State) for “the Secretary of State” there shall be substituted “Transport for London”.
- (6) At the end of that section there shall be added—
- “(4) Any power to make a London cab order under or by virtue of this Act includes power to vary or revoke a previous such order.”

The London Cab Act 1968

- 7 (1) The London Cab Act 1968 shall be amended as follows.
- (2) In section 1(1) (which extends the power of the Secretary of State to set fares under the Acts of 1869 and 1907) for “the Secretary of State” there shall be substituted “Transport for London”.
- (3) After subsection (1) of section 1 there shall be inserted—
- “(1A) The power conferred by subsection (1) of this section is subject to paragraph (4) of the restrictions specified in section 9 of the said Act of 1869.”
- (4) In section 2 (power to increase length of obligatory journeys)—
- (a) in subsection (1) (the power)—
 - (i) for “The Secretary of State” there shall be substituted “Transport for London”;
 - (ii) for “by order” there shall be substituted “by London cab order”; and
 - (iii) for “him” there shall be substituted “Transport for London”;
 - (b) in subsection (2) (power to limit application of order) for “An order” there shall be substituted “A London cab order”;
 - (c) in subsection (3) (power includes power to vary or revoke previous orders and is exercisable by statutory instrument subject to negative parliamentary procedure)—
 - (i) for “orders” there shall be substituted “London cab orders”;
 - (ii) after “previous” there shall be inserted “such”; and
 - (iii) the words from “and shall be exercisable” to the end of the subsection shall cease to have effect; and
 - (d) in subsection (4) (duty to consult before making order)—
 - (i) for “any order” there shall be substituted “any London cab order”;
 - (ii) for “the Secretary of State” there shall be substituted “Transport for London”; and
 - (iii) for “him” and “he” there shall be substituted “Transport for London”.

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- (5) In section 4A (power of Secretary of State by order to prohibit signs etc on private hire cars)—
- (a) in subsection (1)—
 - (i) for “The Secretary of State” there shall be substituted “Transport for London”; and
 - (ii) for “by order” there shall be substituted “by London cab order”;
 - (b) in subsection (2), for “by an order” there shall be substituted “by a London cab order”;
 - (c) in subsection (3) (power includes power to vary or revoke previous orders and is exercisable by statutory instrument subject to negative parliamentary procedure)—
 - (i) for “orders” there shall be substituted “London cab orders”;
 - (ii) after “previous” there shall be inserted “such”; and
 - (iii) the words from “and shall be exercisable” to the end of the subsection shall cease to have effect;
 - (d) in subsection (4) (duty to consult before making order)—
 - (i) for “order” there shall be substituted “London cab order”;
 - (ii) for “the Secretary of State” there shall be substituted “Transport for London”; and
 - (iii) for “him” and “he” there shall be substituted “Transport for London”; and
 - (e) in subsection (5) (relationship to section 4) for “an order” there shall be substituted “a London cab order”.
- (6) After section 4A there shall be inserted—

“4B London cab orders

- (1) In this Act, “London cab order” means an order made by Transport for London.
- (2) Any power to make a London cab order under or by virtue of this Act includes power to vary or revoke a previous such order.”

The Transport Act 1985

- 8 (1) The Transport Act 1985 shall be amended as follows.
- (2) In section 10 (immediate hiring of taxis at separate fares)—
- (a) in subsection (3)(a) (meaning of “licensing authority” in relation to the London taxi area) for “the Secretary of State”, in both places, there shall be substituted “Transport for London”;
 - (b) in subsection (5)(c), the words “if made otherwise than by the Secretary of State” shall cease to have effect;
 - (c) in subsection (8), the words “Except in the case of a scheme made by the Secretary of State,” shall cease to have effect; and
 - (d) subsection (10) (power of Secretary of State to make scheme exercisable by order) shall cease to have effect.
- (3) In section 17 (London taxi and taxi driver licensing: appeals)—

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- (a) in subsections (2), (5), (8)(a) and (b) and (9) (which relate to reconsideration or appeal within the prescribed period) for “prescribed period”, in each place, there shall be substituted “designated period”;
- (b) in subsection (10), after the definition of “the appropriate court” there shall be inserted the following definitions—

““designated period” means such period as may be specified for the purpose by London cab order;

“London cab order” means an order made by Transport for London”;

and

- (c) after subsection (10) there shall be added—

“(11) Any power to make a London cab order under this section includes power to vary or revoke a previous such order.”

PART II

TRANSITIONAL PROVISIONS

Saving

- 9 This Part of this Schedule is without prejudice to the provision that may be made under any power conferred on a Minister of the Crown by this Act to make subordinate legislation, within the meaning of the Interpretation Act 1978.

The London Hackney Carriages Act 1843

- 10 (1) Any licence to act as driver of hackney carriages—
- (a) which was issued under section 8 of the London Hackney Carriages Act 1843 by or on behalf of the Commissioner of Police of the Metropolis, and
 - (b) which is in force immediately before the coming into force of paragraph 1 above,

shall have effect as from the coming into force of that paragraph as if it had been issued by Transport for London.

- (2) Any metal ticket—
- (a) which was issued under that section by or on behalf of the Commissioner of Police of the Metropolis, and
 - (b) which is in force immediately before the coming into force of paragraph 1 above,

shall have effect as from the coming force of that paragraph as if it had been issued by Transport for London.

The London Hackney Carriages Act 1850

- 11 Any regulations made or other thing done under section 4 of the London Hackney Carriages Act 1850 by or on behalf of a Commissioner of Police of the Metropolis and in force or otherwise having effect immediately before the coming into force of paragraph 2 above shall have effect as from the coming into force of that paragraph

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as if made or done by or, in the case of a signature, by a person authorised for the purpose by, Transport for London.

The London Hackney Carriage Act 1853

- 12 Any notice given under section 2 of the London Hackney Carriage Act 1853 and having effect immediately before the coming into force of sub-paragraph (2) of paragraph 3 above shall have effect as from the coming into force of that sub-paragraph as a notice given by Transport for London.

The London Hackney Carriage (No. 2) Act 1853

- 13 Any notice given under section 16 of the London Hackney Carriage (No. 2) Act 1853 and having effect immediately before the coming into force of sub-paragraph (2) of paragraph 4 above shall have effect as from the coming into force of that sub-paragraph as a notice under that section given to Transport for London.

The Metropolitan Public Carriage Act 1869

- 14 (1) Any order—
- (a) made by or on behalf of the Secretary of State under or by virtue of any enactment contained in the Metropolitan Public Carriage Act 1869, and
 - (b) in force immediately before the coming into force of any provision of paragraph 7 above in relation to that enactment,
- shall, to the extent that the provision made by the order could be made by Transport for London, have effect as from the coming into force of that provision in relation to that enactment as a London cab order, but with the substitution for references to the Secretary of State of references to Transport for London.
- (2) Any licence granted under section 6 or 8 of that Act and in force immediately before the coming into force of sub-paragraph (3) or (5) of paragraph 5 above in relation to that section shall have effect as from the coming into force of that sub-paragraph in relation to that section as a licence granted under that section by Transport for London.
- (3) Any suspension or revocation of a licence under section 6 or 8 of that Act having effect immediately before the coming into force of sub-paragraph (3) or (5) of paragraph 5 above shall have effect as from the coming into force of that sub-paragraph in relation to that section as the suspension or revocation of the licence by Transport for London.
- (4) Any appointment made under section 12 of that Act by the Secretary of State and in force immediately before the coming into force of sub-paragraph (9) of paragraph 5 above shall have effect as from the coming into force of that sub-paragraph as an appointment made by Transport for London.

The London Cab and Stage Carriage Act 1907

- 15 (1) Any regulations made by the Secretary of State by order by virtue of section 1 of the London Cab and Stage Carriage Act 1907 and in force immediately before the coming into force of sub-paragraph (2) of paragraph 6 above shall have effect as from the coming into force of that paragraph as regulations made by London cab order by virtue of that section.

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

- (2) Any sum for the time being allowed by the Secretary of State under subsection (1) of section 2 of that Act immediately before the coming into force of paragraph (a) of sub-paragraph (4) of paragraph 6 above shall have effect as from the coming into force of that paragraph as the sum for the time being allowed under that subsection by Transport for London until such time as Transport for London allow a different sum.
- (3) Any order made by the Secretary of State under section 2 of that Act and in force immediately before the coming into force of paragraph (b) of sub-paragraph (4) of paragraph 6 above shall have effect as from the coming into force of that paragraph as a London cab order.
- (4) Any approval given by or on behalf of the Secretary of State for the purposes of the definition of “taximeter” in section 6(1) of that Act and in force immediately before the coming into force of the amendment made by paragraph (b) of sub-paragraph (5) of paragraph 6 above shall have effect as from the coming into force of that amendment as an approval given by Transport for London.

The London Cab Act 1968

- 16 (1) Any order made by the Secretary of State under section 2 of the London Cab Act 1968 and in force immediately before the coming into force of paragraph (a) of sub-paragraph (4) of paragraph 7 above shall have effect as from the coming into force of that paragraph as a London cab order.
- (2) Any order made by the Secretary of State under section 4A of that Act and in force immediately before the coming into force of paragraph (a) of sub-paragraph (5) of paragraph 7 above shall have effect as a London cab order as from the coming into force of that paragraph.

The Transport Act 1985

- 17 (1) Any scheme made under section 10 of the Transport Act 1985 by the Secretary of State and in force immediately before the coming into force of paragraph (a) of sub-paragraph (2) of paragraph 8 above shall have effect as from the coming into force of that paragraph as a scheme made by Transport for London.
- (2) Any regulations prescribing a period for the purposes of a provision of that Act specified in paragraph (a) of sub-paragraph (3) of paragraph 8 above and in force immediately before the coming into force of that paragraph shall, until such time as a period is specified by London cab order for the purposes of that provision, continue in force and have effect as if the period so prescribed were the period specified for the purposes of that provision by London cab order.

SCHEDULE 21

Section 254.

THE PRIVATE HIRE VEHICLES (LONDON) ACT 1998

- 1 The Private Hire Vehicles (London) Act 1998 shall be amended as follows.
- 2 Except in sections 37, 38 and 40, for “Secretary of State”, wherever occurring, there shall be substituted “licensing authority”.

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

- 3 In section 3(3) (grant of London operator’s licences) for “he” there shall be substituted “the authority”.
- 4 In section 7(2) (grant of London PHV licences) for “he” there shall be substituted “the authority”.
- 5 In section 8(2) (presentation of vehicle for inspection and testing) for “he” there shall be substituted “the authority”.
- 6 In section 10(3) (exemption from exhibiting disc or plate) for “he” there shall be substituted “the authority”.
- 7 (1) Section 13 (London PHV driver’s licences) shall be amended as follows.
- (2) In subsection (2) (grant of London PHV driver’s licence) for “he” there shall be substituted “the authority”.
- (3) In subsection (3) (requirements as to knowledge of London and topographical skill)
-
- (a) for “his” there shall be substituted “the authority's”; and
- (b) for “him” there shall be substituted “the authority”.
- 8 (1) Section 14 (issue of driver’s badges) shall be amended as follows.
- (2) In subsection (1) (duty to issue badge) for “he” there shall be substituted “the authority”.
- (3) In subsection (4) (exemption from wearing badge) for “he” in the second place where it occurs there shall be substituted “the authority”.
- 9 In section 15(2) (further information to be furnished with application for licence) for “he” there shall be substituted “the authority”.
- 10 (1) Section 17 (suspension and revocation under section 16: procedure) shall be amended as follows.
- (2) In subsection (1)(a) (duty to give notice of decision and grounds for it) for “he” there shall be substituted “the authority”.
- (3) In subsection (2) (immediate commencement of suspension or revocation in interests of public safety) for “he” there shall be substituted “the authority”.
- 11 In section 18(4) (reference to new operating centre not to be added unless satisfied that premises meet prescribed requirements) for “he” there shall be substituted “the authority”.
- 12 (1) Section 19 (variation of operator’s licence) shall be amended as follows.
- (2) In subsection (1) (suspension or variation as to operating centre) for “he” there shall be substituted “the authority”.
- (3) In subsection (2)(a) (duty to give notice of decision and grounds for it) for “he” there shall be substituted “the authority”.
- (4) In subsection (3) (immediate commencement of suspension or revocation in interests of public safety)—
- (a) for “his” in both places where it occurs there shall be substituted “the authority's”; and
- (b) for “he” there shall be substituted “the authority”.

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

- (5) The sidenote to the section accordingly becomes “Variation of operator’s licence by the licensing authority.”
- 13 In section 22(4) (notice directing return of licence) for “him” there shall be substituted “the authority, constable or officer (as the case may be)”.
- 14 The sidenote to section 24 becomes “Delegation of functions by the licensing authority.”
- 15 In section 30(2) (consultation with cab and private hire trade before making regulations prohibiting certain signs, notices etc) for “him” and “he” there shall be substituted “the authority”.
- 16 (1) Section 32 (regulations) shall be amended as follows.
- (2) In subsection (1) (purpose for which regulations may be made) after “this Act”, in both places, there shall be inserted “(other than section 37)”.
- (3) In subsection (3) (power to make regulations to be exercisable by statutory instrument subject to negative parliamentary procedure) for “conferred by this Act” there shall be substituted “conferred on the Secretary of State by section 37”.
- (4) At the end of the section there shall be added—
- “(4) Any power of the licensing authority to make regulations under this Act includes power to vary or revoke previous regulations made under this Act (other than regulations made under section 37).
- (5) Subsection (4) applies notwithstanding that the previous regulations in question were made by the Secretary of State by statutory instrument.
- (6) The licensing authority shall secure that any regulations made under this Act by the authority are printed and published.
- (7) A fee may be charged for the sale of regulations printed and published under subsection (6).”
- 17 In section 36 (interpretation) after the definition of “licensed taxi” there shall be inserted—
- ““the licensing authority” means Transport for London;”.
- 18 In section 37 (power of Secretary of State to make transitional provisions etc) at the end there shall be added—
- “(3) Before making regulations under this section the Secretary of State shall consult the licensing authority.”
- 19 Section 38 (financial provisions relating to the Secretary of State) shall cease to have effect.

SCHEDULE 22

Section 270.

STOPPING UP ORDERS BY LONDON COUNCILS

Highways Act 1980

- 1 (1) Section 125 of the Highways Act 1980 (further powers to stop up private access to premises) shall be amended as follows.
- (2) In subsection (1) after “Minister” there shall be inserted “or London Borough”.
- (3) In subsection (4) after “Minister” there shall be inserted “or, as the case may be, the council of a London borough”.

Town and Country Planning Act 1990

- 2 The Town and Country Planning Act 1990 shall be amended as follows.

Highways affected by development: orders

- 3 (1) Section 247 shall be amended as follows.
- (2) In subsection (1) (Secretary of State’s power to authorise stopping up or diversion of highway) after “highway” there shall be inserted “outside Greater London”.
- (3) In subsection (2) (Secretary of State’s power to provide or improve other highways) after “highway” there shall be inserted “outside Greater London”.
- (4) After subsection (2) there shall be inserted—
- “(2A) The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough, or within another London borough if the council of that borough consents, if it is satisfied that it is necessary to do so in order to enable development to be carried out—
- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.
- (2B) Such an order may make such provision as appears to the council to be necessary or expedient for the provision or improvement of any other highway within the borough.”
- (5) In subsection (3) (orders directing that highway to be maintainable at public expense etc) for “Such an order” there shall be substituted “An order under subsection (1) or (2A)”.
- (6) After subsection (3) there shall be inserted—
- “(3A) An order under subsection (2A) may not provide that—
- (a) the Secretary of State,
- (b) Transport for London, or
- (c) a London borough other than the one whose council is making the order,
- shall be the highway authority for a highway unless the Secretary of State, Transport for London or the council, as the case may be, so consents.”

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- (7) In subsection (4) (incidental provision in an order) after “Secretary of State” in both places where it occurs there shall be inserted “or the council of the London borough”.
- (8) In subsection (6)(a) (order making power to be without prejudice to other similar powers) after “Secretary of State” there shall be inserted “or a London borough”.

Highways crossing or entering route of proposed new highway

- 4 (1) Section 248 shall be amended as follows.
 - (2) In subsection (2) (Secretary of State’s power to stop up or divert a highway affected by construction or improvement of another highway) after “applies” there shall be inserted “and the place where the other highway crosses or enters the route of the main highway or is otherwise affected is outside Greater London”.
 - (3) After subsection (2) there shall be inserted—
 - “(2A) Where this section applies and the place where the other highway crosses or enters the route of the main highway or is otherwise affected is within a London borough, if it appears to the council of that borough expedient to do so—
 - (a) in the interests of the safety of users of the main highway; or
 - (b) to facilitate the movement of traffic on the main highway,
 it may by order authorise the stopping up or diversion of the other highway.”
 - (4) In subsection (3) (application of section 247 to orders under section 248)—
 - (a) after “Subsections (2)” there shall be inserted “and (2B)”,
 - (b) for “subsection (2)” there shall be substituted “subsections (2) and (2B)”.

Order extinguishing right to use vehicles on highway

- 5 (1) Section 249 shall be amended as follows.
 - (2) In subsection (1)(b) (cases where section 249 applies) after “trunk road” there shall be inserted “, a GLA road”.
 - (3) At the beginning of subsection (2) (Secretary of State’s power to extinguish rights to use a highway affected by improvement of amenity of area) there shall be inserted “Where the public is to cease to have such a right of way at a place outside Greater London,”.
 - (4) After subsection (2) there shall be inserted—
 - “(2A) Where—
 - (a) the public is to cease to have such a right of way at a place within a London borough, and
 - (b) the conditions mentioned in subsection (2B)(a) or (b) are satisfied,
 the council of that borough may by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.
 - (2B) The conditions are that—
 - (a) the council is a local planning authority for the place where the right of way is to cease and it resolves that the right should be extinguished, or

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- (b) another authority is a local planning authority for that place and, having resolved to do so, it applies to the council of the borough for the right to be extinguished.”
- (5) In subsection (3) (power to provide for continuance of specified rights on highway where general right of use is extinguished)—
 - (a) after “subsection (2)” there shall be inserted “or (2A)”, and
 - (b) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (6) In subsection (5) (order under section 249 not to be prejudiced by any other enactment) after “subsection (2)” there shall be inserted “or (2A)”.
- (7) In subsection (6) (revocation of order under section 249 upon application by local planning authority)—
 - (a) after “subsection (2)” there shall be inserted “or (2A)”,
 - (b) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the borough”,
 - (c) for “he” in the first place where it occurs there shall be substituted “the Secretary of State or council”, and
 - (d) for “he does so” there shall be substituted “the order is revoked”.
- (8) In subsection (8) (requirement for local planning authority to consult before applying for order to be revoked) after “subsection (2)” there shall be inserted “, (2A)”.
- (9) In subsection (9) (application of section 247 to order made under section 249) after “subsection (2)” there shall be inserted “, (2B)”.

Compensation for orders under section 249

- 6 (1) Section 250 shall be amended as follows.
- (2) In subsection (1) (right to compensation for those with an interest in land affected by an order under section 249) after “section 249(2)” there shall be inserted “or (2A)”.

Procedure for making of orders

- 7 (1) Section 252 shall be amended as follows.
- (2) In subsection (1) (requirement to publicise proposals in certain newspapers)—
 - (a) after “Secretary of State” in the first place where it occurs there shall be inserted “or, as the case may be, the council of a London borough”, and
 - (b) after “Secretary of State” in the second place where it occurs there shall be inserted “or, as the case may be, the council of the London borough”.
- (3) In subsection (2) (requirement to serve details of proposals on certain local and other authorities) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (4) In subsection (3) (requirement to display details of proposals at highway concerned) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (5) In subsection (4) (requirement to hold local inquiry if objection made)—

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- (a) after “Secretary of State” in the first place where it occurs there shall be inserted “or, as the case may be, the council of the London borough,”
 - (b) for “him” there shall be substituted “to the Secretary of State or, as the case may be, the council
 - (c) for “unless subsection (5) applies the Secretary of State shall cause a local inquiry to be held” there shall be substituted—
 - “(a) in a case where the Secretary of State is proposing to make an order, he shall cause a local inquiry to be held unless subsection (5) applies, or
 - (b) in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.”
- (6) In subsection (5) (power to dispense with local inquiry in certain circumstances) after “where” there shall be inserted “the Secretary of State is proposing to make an order and”.
- (7) After subsection (5) there shall be inserted—
- “(5A) In a case where—
- (a) the council of a London borough is proposing to make the order,
 - (b) the council has under subsection (4)(b) notified the Mayor of London of the objections, and
 - (c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection,
- the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.”
- (8) In subsection (6) (application of other statutory provisions to local inquiry held under section 252) after “Secretary of State” there shall be inserted “or the council of a London borough”.
- (9) After subsection (6) there shall be inserted—
- “(6A) In their application to an inquiry caused to be held by the council of a London borough—
- (a) subsection (4) of section 250 of the Local Government Act 1972 shall be treated as if—
 - (i) for the reference to a Minister there were substituted a reference to the council of a London borough,
 - (ii) for the reference to him there were substituted a reference to the council,
 - (iii) for the reference to he there were substituted a reference to the council acting with the consent of the Mayor of London, and
 - (iv) for the references to the Minister there were substituted references to the council of the London borough, and
 - (b) subsection (5) of that section shall be treated as if—

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- (i) for the reference to the Minister there were substituted a reference to the council of a London borough, and
 - (ii) the power to make an order as to the costs of parties were subject to a requirement to act with the consent of the Mayor of London.”
- (10) In subsection (8) (making of order) before “After” there shall be inserted “Where the Secretary of State is proposing to make an order,”.
- (11) After subsection (8) there shall be inserted—
 - “(8A) Where the council of a London borough is proposing to make an order, after—
 - (a) considering any objections to the order which are not withdrawn, and
 - (b) where a local inquiry is held—
 - (i) considering the report of the person who held the inquiry, and
 - (ii) obtaining the consent of the Mayor of London to the making of the order,the council may, subject to subsection (9), make the order either without modification or subject to such modification as it thinks fit.”
- (12) In subsection (10) (requirement to publicise making of order) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (13) After subsection (10) there shall be inserted—
 - “(10A) Nothing in subsection (2) shall require the council of a London borough to serve anything on itself.”

Procedure in anticipation of planning permission

- 8
- (1) Section 253 shall be amended as follows.
 - (2) In subsection (1) (power to publish certain orders in draft before planning permissions making the orders necessary are granted)—
 - (a) after “Secretary of State” in the first place where it occurs there shall be inserted “or the council of a London borough”, and
 - (b) after “Secretary of State” in the second place where it occurs there shall be inserted “or, as the case may be, the council of the London borough”.
 - (3) In subsection (5) (saving of restriction on power to make order until planning permission granted) after “Secretary of State” there shall be inserted “or the council of a London borough”.

Temporary highway orders: mineral workings

- 9
- (1) Section 261 shall be amended as follows.
 - (2) In subsection (1) (Secretary of State’s power to order stopping up or diversion of highway for working of minerals)—

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- (a) after “Secretary of State” there shall be inserted “or the council of a London borough”, and
 - (b) after “him” there shall be inserted “or, as the case may be, the council”.
- (3) In subsection (3) (additional provision in order under section 261)—
- (a) for “or, as the case may be,” there shall be substituted “, the council of the London borough or”, and
 - (b) after “authority” there shall be inserted “(as the case may be)”.

SCHEDULE 23

Section 295.

ROAD USER CHARGING

Interpretation

1 (1) In this Schedule—

“borough scheme” means any charging scheme other than a TfL scheme;
“charging area” means an area to which a charging scheme applies;
“charging authority” means an authority which is the maker of a charging scheme;

“charging scheme” means a scheme for imposing charges in respect of the keeping or use of motor vehicles on roads in an area designated in the scheme;

“GLA road” includes a reference to a GLA side road;

“highway authority” has the same meaning as in the Highways Act 1980 (see in particular sections 1 to 9 of that Act);

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

“motor vehicle” shall be construed in accordance with subsection (3) of section 295 of this Act;

“net proceeds”, in relation to a charging scheme, means the amount (if any) by which the gross amount received under the scheme for any financial year by the charging authority exceeds the expenses incurred by that authority in operating the scheme for that year;

“penalty charge” has the same meaning as in paragraph 12 below;

“penalty charge notice” means notice of a penalty charge;

“prescribed” means specified in, or determined in accordance with, regulations;

“regulations” means regulations made by the Secretary of State;

“relevant transport purpose” means any purpose which directly or indirectly facilitates the implementation of any policies or proposals set out in the Mayor’s transport strategy;

“redistributed portion”, in relation to the net proceeds of a charging scheme, shall be construed in accordance with paragraph 21(1) below;

“road” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 142(1) of that Act);

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“share of the net proceeds”, in relation to a charging authority and a charging scheme, shall be construed in accordance with paragraph 18(2) below;

“TfL scheme” means a charging scheme made by Transport for London;

“traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see sections 121A and 142(1) of that Act);

“traffic sign” has the same meaning as in the Road Traffic Regulation Act 1984 (see in particular section 64 of that Act);

“trunk road” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 142(1) of that Act).

- (2) For the purpose of ascertaining the net proceeds of a charging scheme for any financial year, the expenses of operating the scheme in that year shall be taken to include—
- (a) any costs of, or associated with, enforcement in that year;
 - (b) amounts attributed to that year in respect of depreciation of assets used in connection with the scheme;
 - (c) other amounts attributed to that year in respect of capital costs which were incurred for the purpose of establishing or operating the scheme and which fall to be apportioned between different financial years; and
 - (d) interest.
- (3) Any reference in this Schedule to a class of motor vehicles is a reference to a class defined or described by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever.
- (4) For the purposes of this Schedule—
- (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.

Authority functions exercisable by the Mayor

- 2 Any functions conferred or imposed on the Authority by or under this Schedule are exercisable by the Mayor acting on behalf of the Authority.

Conditions for making a charging scheme

- 3 A charging scheme may only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of any policies or proposals set out in the Mayor’s transport strategy.

Making a charging scheme

- 4 (1) Any charging scheme must be contained in an order—
- (a) made under this Schedule by the authority making the scheme; and
 - (b) submitted to, and confirmed (with or without modification) by, the Authority.
- (2) An order containing a charging scheme shall be in such form as the Authority may determine.

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(3) The Authority may—

- (a) consult, or require an authority making a charging scheme to consult, other persons;
- (b) hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme;
- (c) appoint the person or persons by whom any such inquiry is to be held;
- (d) make modifications to any such order, whether in consequence of any objections or otherwise, before the order takes effect;
- (e) require any such order to include such exemptions for such purposes as the Authority may determine;
- (f) require the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as the Authority may determine.

Scheme to conform with Mayor's transport strategy

5 A charging scheme must be in conformity with the Mayor's transport strategy.

Approval of Authority required for inclusion of certain provisions

6 The approval of the Authority must be obtained before there is included in a borough scheme any provision of a description specified in a direction under this paragraph given by the Authority to the London borough councils.

Joint charging schemes

- 7 (1) The Authority may authorise or require two or more London borough councils acting jointly to make a charging scheme applying to the whole or part of their combined areas (a "joint charging scheme").
- (2) In the application of this Schedule in relation to a joint charging scheme, any reference to the charging authority is a reference to all or any of the London borough councils concerned.

The contents of a charging scheme

- 8 A charging scheme must—
- (a) designate the area to which it applies;
 - (b) specify the classes of motor vehicles in respect of which a charge is imposed;
 - (c) designate those roads in the charging area in respect of which charges are imposed; and
 - (d) specify the charges imposed.

The charging area and the roads

- 9 (1) The designation of—
- (a) the boundaries of the charging area, and
 - (b) the roads in that area in respect of which charges are imposed,

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shall be such as the authority making the charging scheme may determine, subject to any modifications made by the Authority.

- (2) A TfL scheme may apply to an area which consists of the whole or any part of Greater London.
- (3) A borough scheme may apply to an area which consists of the whole or any part of the area of the authority (or, in the case of a joint charging scheme, the combined areas of the authorities) making the scheme.
- (4) A road shall not be subject to charges imposed by more than one charging authority at the same time.
- (5) In the application of sub-paragraph (4) above in relation to a joint charging scheme, the authorities making the scheme shall be treated as if they together constituted a single charging authority.
- (6) A TfL scheme may impose charges in respect of roads in the charging area, whether or not Transport for London is the traffic authority or the highway authority for those roads.
- (7) A charging scheme must not impose charges in respect of a trunk road except with the consent of the Secretary of State.
- (8) A borough scheme may impose charges in respect of GLA roads.

The charges

- 10 (1) A charging scheme shall specify or describe the events by reference to the happening of which a charge is imposed by the charging scheme in respect of a motor vehicle being kept or used on a road in a charging area.
- (2) Any charge imposed by a charging scheme in respect of the keeping of a motor vehicle on a road in a charging area must also have effect in respect of the use of the motor vehicle in that charging area.
- (3) A charging scheme may make provision in relation to the manner in which charges are to be made, collected, recorded or paid.
- (4) The charges that may be imposed by a charging scheme include different charges (which may be no charge) for—
 - (a) different days;
 - (b) different times of day;
 - (c) different parts of a charging area;
 - (d) different distances travelled;
 - (e) different classes of motor vehicles.
- (5) In setting the rates of charge, regard may be had to the purposes for which the charging authority is to apply the net proceeds of the scheme.

Exemptions, reduced rates etc

- 11 (1) The Secretary of State may by regulations make provision for or in connection with—
 - (a) exemptions from charge,
 - (b) the application of reduced rates of charge, or

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(c) the imposition of limits on the charges payable, in the case of any prescribed class of motor vehicles or any prescribed description of disabled or other persons.

(2) Subject to any regulations under sub-paragraph (1) above, a charging scheme may make provision for or in connection with—

- (a) exemptions from charge,
- (b) the application of reduced rates of charge, or
- (c) the imposition of limits on the charges payable,

in the case of any particular class of motor vehicles or description of persons.

Penalty charges

12 (1) Regulations may make provision for or in connection with the imposition, notification, payment, adjudication or enforcement of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with a charging scheme.

(2) Regulations under sub-paragraph (1) above may make provision for or in connection with setting the rates of penalty charges (which may include provision for discounts or surcharges).

Liability for charges

13 (1) Regulations may make provision for or in connection with making the registered keeper of a motor vehicle, or such other person as may be prescribed, liable to pay any charges imposed in respect of the vehicle under or by virtue of a charging scheme.

(2) Regulations may make provision for or in connection with making it a defence for the registered keeper of a motor vehicle to show that at the time of an event giving rise to the imposition of charges another person was driving the vehicle without the registered keeper's consent.

(3) Regulations may make provision for sums payable under or by virtue of a charging scheme to be recoverable as a civil debt.

(4) Any reference in this paragraph to charges includes a reference to penalty charges.

Installation of equipment on roads or elsewhere

14 A charging authority may install, or authorise the installation, of any equipment used or to be used in connection with the operation or enforcement of the charging scheme.

Accounts and funds

15 (1) A charging authority shall keep an account of their income and expenditure in respect of each of the authority's charging schemes.

(2) Each of the following bodies, namely—

- (a) the Authority,
- (b) Transport for London, and
- (c) a London borough council,

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shall keep an account of their income and expenditure in respect of the sums received by the body which represent net proceeds of charging schemes for which the body is not the charging authority.

- (3) As soon as possible after the end of each financial year, each of the bodies required to keep an account under sub-paragraph (1) or (2) above shall prepare a statement of that account for that year.
- (4) A statement of account required to be prepared under sub-paragraph (3) above for any financial year shall be published—
 - (a) in the case of a statement of account prepared by Transport for London, in the annual report of Transport for London under section 161 of this Act for that year;
 - (b) in any other case, in the annual accounts for that year of the body which prepared the statement of account.
- (5) At the end of each financial year—
 - (a) any deficit in an account required to be kept under sub-paragraph (1) or (2) above shall be made good out of the body's general fund; and
 - (b) any surplus in any such account shall be dealt with in accordance with sub-paragraphs (6) and (7) below.
- (6) Any such surplus shall be applied towards making good to the general fund any amount charged to that fund under sub-paragraph (5)(a) above in respect of the account in question in the ten years immediately preceding the financial year in question.
- (7) So much of any surplus as remains after the application of sub-paragraph (6) above shall be carried forward in the account in question to the next financial year.
- (8) In the application of this paragraph in relation to Transport for London, any reference to its general fund shall be taken as a reference to its gross income.

Application of the net proceeds

- 16 (1) In the case of any charging scheme which comes into force during the period of ten years beginning with the inception of the Authority, the net proceeds of the scheme shall, during the scheme's initial period, be available only for application for relevant transport purposes by any one or more of the following bodies, namely—
 - (a) the Authority;
 - (b) Transport for London; or
 - (c) a London borough council.
- (2) Except as provided by sub-paragraph (1) above, the net proceeds of a charging scheme shall be applied only as may be specified in, or determined in accordance with, regulations under this sub-paragraph.
- (3) Regulations under sub-paragraph (2) above may include provision conferring a discretion on any body or person.
- (4) The provision that may be made by regulations under sub-paragraph (2) above includes provision for sub-paragraph (1) above to continue to apply, but with the substitution for the number of years for the time being there mentioned of a number of years greater than ten.

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- (5) The net proceeds of charging schemes may only be applied for purposes which provide value for money.
- (6) Sub-paragraphs (1) to (5) above are without prejudice to paragraph 15(6) above.
- (7) In this paragraph—
 - “the inception of the Authority” means the commencement of the term of office of the Mayor and Assembly members returned at the first ordinary election;
 - “the initial period”, in the case of any charging scheme, means—
 - (a) the period of ten years beginning with the coming into force of the scheme; or
 - (b) such longer period as the Secretary of State may allow in the case of any particular scheme.

Provisions supplementary to paragraph 16

- 17 (1) Before making any regulations under paragraph 16(2) above, the Secretary of State shall make an assessment of what he considers to be—
 - (a) the likely amounts of net proceeds of charging schemes; and
 - (b) the potential for spending such net proceeds on relevant transport purposes which provide value for money.
- (2) Before making any such regulations, the Secretary of State shall consult the Authority.
- (3) The Secretary of State may issue guidance to the Authority, Transport for London and the London borough councils with respect to the appraisal of whether any application of net proceeds of a charging scheme for any purpose provides value for money.
- (4) In determining how to apply the net proceeds of charging schemes, the Authority, Transport for London and any London borough council shall comply with any guidance issued by the Secretary of State under sub-paragraph (3) above.
- (5) The Secretary of State may at any time vary the guidance under sub-paragraph (3) above.
- (6) In determining for the purposes of paragraph 16 above when the initial period there mentioned begins or expires in the case of any charging scheme, regulations may make provision as to circumstances in which—
 - (a) the same charging scheme is to be regarded as continuing in force, notwithstanding the making of amendments or the revocation and replacement (with or without modifications) of a scheme; or
 - (b) a different scheme is, or is not, to be regarded as coming into force.

Apportionment of net proceeds of charging schemes

- 18 (1) Subject to any provision made by regulations under paragraph 16(2) above, the Authority may require a charging scheme to include provision for such portion of the net proceeds as the Authority may determine to be paid to—
 - (a) the Authority,
 - (b) Transport for London, or

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- (c) such London borough councils as may be specified or described by the Authority,
for application for relevant transport purposes.
- (2) In this Schedule, any reference to a charging authority's share of the net proceeds of a charging scheme is a reference to so much of the net proceeds of the scheme as remains after the making of any payments to other bodies or persons required by virtue of sub-paragraph (1) above or regulations under paragraph 16(2) above.
- (3) For the purposes of this Schedule, the payment by the Authority of a sum received by the Authority by virtue of sub-paragraph (1) above to any body corporate for the purpose of the application of that sum by that body for relevant transport purposes shall be taken to be the application of that sum by the Authority for relevant transport purposes.

Charging authority's 10 year plan for their share

- 19 (1) A charging scheme must include a statement of the charging authority's proposed general plan for applying the authority's share of the net proceeds of the scheme during the opening ten year period.
- (2) In sub-paragraph (1) above, "the opening ten year period", in relation to any charging scheme, means the period which—
- (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the tenth financial year that commences on or after that date.
- (3) An order containing a charging scheme shall not come into force unless and until the statement required by sub-paragraph (1) above has been approved—
- (a) by the Secretary of State; and
 - (b) if the scheme is a borough scheme, by the Authority.
- (4) In the case of a borough scheme, an application for approval under sub-paragraph (3) (a) above may only be made—
- (a) by the Authority acting on behalf of the charging authority; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (3)(b) above.

Charging authority's 4 year programmes for their share

- 20 (1) As long as a charging scheme remains in force, the charging authority shall, during every fourth financial year after the financial year in which the scheme comes into force, prepare a written statement of their proposed general programme for applying the authority's share of the net proceeds of the scheme during the next four financial years.
- (2) Any statement required to be prepared under sub-paragraph (1) above must be submitted for approval to—
- (a) the Secretary of State; and
 - (b) in the case of a borough scheme, the Authority.
- (3) Any statement required to be submitted to the Secretary of State under sub-paragraph (2)(a) above must be so submitted not less than six months before the end of the financial year during which the statement is required to be prepared.

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- (4) In the case of a borough scheme, any submission to the Secretary of State under sub-paragraph (2)(a) above may only be made—
- (a) by the Authority acting on behalf of the charging authority; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (2)(b) above.
- (5) Any statement prepared and approved under this paragraph in the case of a charging scheme prevails for all purposes over any conflicting provisions in the statement included in the scheme pursuant to paragraph 19 above.

Authority's 10 year plan for the redistributed portion

- 21 (1) This paragraph applies in relation to a charging scheme which by virtue of paragraph 18(1) above includes provision for a portion of the net proceeds of the scheme (the “redistributed portion”) to be paid by the charging authority to another body.
- (2) The Authority shall prepare and submit to the Secretary of State a statement of the Authority’s general plan for the application (whether by the Authority or any other body) of the redistributed portion during the opening ten year period.
- (3) In sub-paragraph (2) above, “the opening ten year period”, in relation to any charging scheme, means the period which—
- (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the tenth financial year that commences on or after that date.
- (4) An order containing a charging scheme shall not come into force unless and until any statement required by sub-paragraph (2) above in the case of that scheme has been approved by the Secretary of State.

Authority's 4 year programmes for the redistributed portion

- 22 (1) As long as a charging scheme to which paragraph 21 above applies remains in force, the Authority shall, during every fourth financial year after the financial year in which the scheme comes into force, prepare the statement described in sub-paragraph (2) below.
- (2) That statement is a written statement of the Authority’s proposed general programme for the application (whether by the Authority or any other body) of the redistributed portion of the net proceeds of the scheme during the next four financial years.
- (3) Any statement required to be prepared under sub-paragraph (1) above must be submitted for approval to the Secretary of State not less than six months before the end of the financial year during which the statement is required to be prepared.
- (4) A statement prepared and approved under this paragraph for any scheme prevails for all purposes over any conflicting provisions in the statement prepared and approved under paragraph 21 above for that scheme.

Non-compliance with paragraph 20 or 22 above

- 23 (1) Except with the consent of the Secretary of State in any particular case, none of the charging authority’s share of the net proceeds of a charging scheme may be applied in any financial year beginning after the end of the opening four year period unless

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and until a statement under paragraph 20 above having effect in relation to a period in which that year falls has been prepared and approved under that paragraph.

- (2) Except with the consent of the Secretary of State in any particular case, none of the redistributed portion of the net proceeds of a charging scheme may be applied in any financial year beginning after the end of the opening four year period unless and until a statement under paragraph 22 above having effect in relation to a period in which that year falls has been prepared and approved under that paragraph in relation to the scheme.
- (3) In this paragraph, “the opening four year period”, in relation to any charging scheme, means the period which—
- (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the fourth financial year that commences on or after that date.

4 year programmes: amendment, replacement and voluntary statements

- 24 (1) Where a statement has been prepared and approved under paragraph 20 or 22 above, the authority which prepared the statement may—
- (a) amend the statement, or
 - (b) replace it with another statement (a “replacement statement”),
- but subject to the following provisions of this paragraph.
- (2) Subject to the following provisions of this paragraph, where a charging scheme is in force—
- (a) the charging authority may prepare a statement such as is described in paragraph 20(1) above, and
 - (b) if the charging scheme is one to which paragraph 21 above applies, the Authority may prepare a statement such as is described in paragraph 22(2) above,
- at any time before the beginning of the first financial year for which a statement under paragraph 20 or, as the case may be, paragraph 22 above is required to be prepared in respect of the scheme.
- (3) For the purposes of this paragraph—
- (a) a “voluntary statement” is a statement prepared under sub-paragraph (2)(a) or (b) above,
 - (b) a statement prepared under sub-paragraph (2)(a) above shall be treated as a statement prepared under paragraph 20 above and, if approved in accordance with the provisions of this paragraph, as approved under that paragraph, and
 - (c) a statement prepared under sub-paragraph (2)(b) above shall be treated as a statement prepared under paragraph 22 above and, if approved in accordance with the provisions of this paragraph, as approved under that paragraph,
- and references to statements under paragraph 20 or 22 above shall be construed accordingly.
- (4) The power conferred by sub-paragraph (1)(b) or (2) above is exercisable—
- (a) in the case of a statement under paragraph 20 above in respect of a borough scheme, during the period of six months beginning with the day on which a change of control of the London borough council concerned occurs; or

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- (b) in any other case, during the period of six months beginning with the term of office of any person returned as the Mayor at an ordinary election or at an election under section 16 of this Act.
- (5) Where, in exercise of the powers conferred by this paragraph, an authority proposes—
- (a) to amend or replace a statement prepared and approved under paragraph 20 or 22 above, or
 - (b) to prepare a voluntary statement,
- sub-paragraph (6) below applies.
- (6) Where this sub-paragraph applies, the amendment, replacement statement or voluntary statement must be submitted for approval—
- (a) to the Secretary of State; and
 - (b) if the statement concerned or affected is one prepared in respect of a borough scheme by the charging authority, to the Authority.
- (7) Where sub-paragraph (6)(b) above applies, any submission to the Secretary of State under sub-paragraph (6)(a) above may only be made—
- (a) by the Authority acting on behalf of the charging authority concerned; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (6)(b) above.
- (8) Where a statement prepared and approved under paragraph 20 or 22 above is amended in accordance with this paragraph, the statement shall continue to be regarded for the purposes of this Schedule as a statement so prepared and approved, notwithstanding the amendment.
- (9) A replacement statement or a voluntary statement must relate to the four financial years beginning with the financial year in which it takes effect (disregarding so much of that year as has expired before the statement takes effect).
- (10) A replacement statement or voluntary statement prepared and approved under this paragraph shall be taken for the purposes of this Schedule to be a statement prepared and approved—
- (a) under paragraph 20 above, if it was prepared in respect of a charging scheme by the charging authority; or
 - (b) under paragraph 22 above, if it was prepared by the Authority.
- (11) Where a voluntary statement or replacement statement prepared by an authority takes effect, the time at which any subsequent statement is required to be prepared by that authority by virtue of paragraph 20 or 22 above in respect of the charging scheme in question shall be determined as if the financial year preceding that in which the replacement statement or voluntary statement takes effect had been such a fourth year as is mentioned in sub-paragraph (1) of that paragraph.

Offences

- 25 (1) A person who, with intent to avoid payment of a charge imposed by a charging scheme or with intent to avoid being identified as having failed to pay such a charge, —
- (a) interferes with any equipment used for or in connection with charging under a charging scheme,

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- (b) causes or permits the registration plate of a motor vehicle to be obscured, or
 - (c) makes or uses any false document,
- is guilty of an offence.

- (2) A person guilty of an offence under sub-paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

Examination of motor vehicles etc

- 26 (1) Regulations may make provision conferring powers on prescribed persons for or in connection with—
- (a) examining a motor vehicle for the purpose of ascertaining whether any document required by a charging scheme to be displayed while a motor vehicle is on a road in a charging area is so displayed; or
 - (b) examining a motor vehicle for the purpose of ascertaining whether any equipment required by a charging scheme to be carried in or fitted to a motor vehicle while the vehicle is on a road in a charging area—
 - (i) is so carried or fitted,
 - (ii) is in proper working order, or
 - (iii) has been interfered with unlawfully,or whether any conditions relating to the use of any such equipment are satisfied.
- (2) The provision that may be made by regulations under sub-paragraph (1) above includes provision for or in connection with conferring on a person duly authorised in writing by a charging authority power to enter a motor vehicle for the purpose of exercising any of the powers conferred on that person under that sub-paragraph.

Removal or immobilisation of motor vehicles

- 27 Regulations may make provision for or in connection with—
- (a) the fitting of immobilisation devices to motor vehicles;
 - (b) the removal and storage of motor vehicles;
 - (c) the release of motor vehicles from immobilisation devices or from storage;
 - (d) requiring the satisfaction of conditions before the release of a motor vehicle.

Determination of disputes and appeals

- 28 Regulations may make provision for or in connection with—
- (a) the determination of disputes;
 - (b) appeals against determinations or any failure to make a determination;
 - (c) the appointment of persons to hear any such appeals.

Approval of equipment

- 29 (1) No equipment of a description specified in a direction under this paragraph given by the Authority to Transport for London and every London borough council may be used in connection with a charging scheme unless the equipment is of a type approved by the Authority.

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- (2) Where the Secretary of State considers that—
- (a) equipment of any particular description used in connection with a charging scheme (“the non-standard equipment”) is incompatible with a national standard for equipment of that or any other description, and
 - (b) the incompatibility is detrimental to the interests of persons resident in England outside Greater London,
- he may give notice of that fact to the Authority.
- (3) Where the Secretary of State has given notice under sub-paragraph (2) above to the Authority, the non-standard equipment may no longer be used in connection with a charging scheme except with the authorisation of the Secretary of State.
- (4) Any authorisation under sub-paragraph (3) above may be given subject to conditions.
- (5) Any authorisation under sub-paragraph (3) above, and any conditions under sub-paragraph (4) above, may be varied or revoked.
- (6) In this paragraph “national standard” means any standard approved by the Secretary of State by regulations made under any enactment and in force in an area which consists of or includes the whole of England outside Greater London.

Evidence

- 30 Regulations may make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Schedule, or proceedings in respect of a failure to comply with the provisions of a charging scheme, to be given by the production of—
- (a) a record produced by a prescribed device; and
 - (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a prescribed person.

Exclusions for motor vehicles not on roads

- 31 A charging scheme may not authorise or require—
- (a) the imposition of charges in respect of a motor vehicle by reference to its presence in a charging area at a time at which the vehicle is not on a road;
 - (b) the examination, for any purpose relating to or connected with this Schedule, regulations or a charging scheme, of a motor vehicle found in a charging area at a time at which the vehicle is not on a road; or
 - (c) the fitting of an immobilisation device to, or the removal of, a motor vehicle found in a charging area at a time at which the vehicle is not on a road.

Expenses

- 32 The Authority, Transport for London or a London borough council may—
- (a) incur expenditure in or in connection with the establishment or operation of a charging scheme; or
 - (b) enter into arrangements (including arrangements for forming or participating in companies) with any body or person in respect of the operation of a charging scheme or relating to the installation or operation

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of any equipment used for or in connection with the operation of a charging scheme.

Directions by the Authority

- 33 (1) The Authority may give to any London borough council general or specific directions requiring the council to exercise, in such manner as may be specified in the directions, —
- (a) any of the council’s powers under this Schedule; or
 - (b) for purposes connected with a charging scheme made by that council or any other authority, any of the council’s powers under any other enactment relating to the management or control of traffic.
- (2) A London borough council shall comply with any directions given to the council by the Authority.

Guidance by the Authority

- 34 (1) The Authority may issue guidance to Transport for London or any London borough council in relation to the discharge of their functions under this Schedule.
- (2) Transport for London or a London borough council in exercising any function under this Schedule shall have regard to any guidance issued by the Authority under this paragraph.

Crown roads

- 35 (1) This Schedule applies in relation to Crown roads as it applies in relation to other roads.
- (2) In sub-paragraph (1) above “Crown road” has the same meaning as in section 131 of the Road Traffic Regulation Act 1984.

Crown application

- 36 (1) Subject to the provisions of this paragraph, the provisions of this Schedule and of regulations and charging schemes made under it shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Schedule or of any regulations or charging scheme made under it shall make the Crown criminally liable; but the High Court may, on the application of a charging authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in sub-paragraph (2) above, the provisions of this Schedule and of regulations and charging schemes made under it shall apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.
- (4) No power of entry conferred by this Schedule or regulations made under it shall be exercisable in relation to any motor vehicle in the public service of the Crown.
- (5) Nothing in this paragraph shall be taken as in any way affecting Her Majesty in her private capacity; and this sub-paragraph shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

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Duration of charging schemes

- 37 A charging scheme shall state whether or not it is to remain in force indefinitely and, if it is not to remain in force indefinitely, shall state the period for which it is to remain in force.

Variation and revocation of charging schemes

- 38 The power to make a charging scheme includes power, exercisable in the same manner, and subject to the same conditions and limitations, to vary or revoke such a scheme.

SCHEDULE 24

Section 296.

WORKPLACE PARKING LEVY

Interpretation

- 1 (1) In this Schedule, except where the context otherwise requires—
- “borough scheme” means any licensing scheme other than a TfL scheme;
 - “contract of employment” means a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing;
 - “controlled vehicle” shall be construed in accordance with paragraph 5 below (but subject to any provision made by, or by regulations made by virtue of, any other provision of this Schedule);
 - “employed” means employed under a contract of employment;
 - “employee” means a person employed under a contract of employment;
 - “licence” means a licence authorising the parking of a maximum number of controlled vehicles at any one time in parking places provided at the licensed premises by the occupier of those premises; and “licensed unit” means each unit comprised in that maximum number;
 - “licensed premises”, in the case of any licence, means the premises to which the licence relates;
 - “licensing area” means an area to which a licensing scheme applies;
 - “licensing authority” means an authority which is the maker of a licensing scheme;
 - “licensing scheme” means a scheme for the licensing of persons providing workplace parking places at premises in an area designated in the scheme;
 - “motor vehicle” has the same meaning as in section 295 of this Act;
 - “net proceeds”, in relation to a licensing scheme, means the amount (if any) by which the gross amount received under the scheme for any financial year by the licensing authority exceeds the expenses incurred by that authority in operating the scheme for that year;
 - “occupier”, in relation to any premises, means the person who is the occupier for the purposes of non-domestic rates;
 - “penalty charge” has the same meaning as in paragraph 18 below;
 - “penalty charge notice” means notice of a penalty charge;
 - “prescribed” means specified in, or determined in accordance with, regulations;

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“regulations” means regulations made by the Secretary of State;

“relevant transport purpose” means any purpose which directly or indirectly facilitates the implementation of any policies or proposals set out in the Mayor’s transport strategy;

“TfL scheme” means a licensing scheme made by Transport for London;

“workplace parking place” means a parking place provided and occupied as mentioned in paragraph 3 below.

- (2) For the purpose of ascertaining the net proceeds of a licensing scheme for any financial year, the expenses of operating the scheme in that year shall be taken to include—
- (a) any costs of, or associated with, enforcement in that year;
 - (b) amounts attributed to that year in respect of depreciation of assets used in connection with the scheme;
 - (c) other amounts attributed to that year in respect of capital costs which were incurred for the purpose of establishing or operating the scheme and which fall to be apportioned between different financial years; and
 - (d) interest.
- (3) Any reference in this Schedule to a class of motor vehicles is a reference to a class defined or described by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever.
- (4) For the purposes of this Schedule—
- (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.

Authority functions exercisable by the Mayor

- 2 Any functions conferred or imposed on the Authority by or under this Schedule are exercisable by the Mayor acting on behalf of the Authority.

Provision of workplace parking places

- 3 (1) For the purposes of this Schedule and section 296 of this Act, the cases where a person provides a workplace parking place are those cases where the person is the occupier of premises and provides at those premises a parking place which is for the time being occupied by a motor vehicle used—
- (a) by a relevant person, or
 - (b) by an employee, agent, supplier, business customer or business visitor of a relevant person, or
 - (c) by a pupil or student attending a course of education or training provided by a relevant person, or
 - (d) where the Authority or a London borough council is a relevant person, by the Mayor or a member of the Assembly or, as the case may be, of the council, for attending a place at which the relevant person carries on business at or in the vicinity of the premises.

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- (2) In this paragraph “relevant person” means—
- (a) the person who provides the parking place in question;
 - (b) any other person with whom that person has entered into arrangements to provide the parking place (whether or not for that other person’s own use); or
 - (c) any person who is associated with a person who falls within paragraph (a) or (b) above.
- (3) For the purposes of sub-paragraph (2)(c) above any two persons are “associated” if and only if—
- (a) one is a company of which the other (directly or indirectly) has control; or
 - (b) both are companies of which a third person (directly or indirectly) has control.
- (4) For the purposes of this paragraph—
- “business” includes—
- (a) any trade, profession, vocation or undertaking;
 - (b) the functions of any office holder;
 - (c) the provision of any course of education or training; and
 - (d) the functions of, or any activities carried on by, a government department, local authority or other statutory body;
- “business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at the premises of the relevant person for the purposes of a business carried on by that client or customer;
- “business visitor”, in relation to a relevant person, means an individual who—
- (a) in the course of his employment, or
 - (b) in the course of carrying on a business or for the purposes of a business carried on by him,
- is visiting the relevant person or any premises whose occupier is the relevant person;
- “supplier”, in relation to a relevant person, means—
- (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person; or
 - (b) any agent or sub-contractor of such a person.

Power to amend paragraph 3 above

- 4 The Secretary of State may by regulations amend paragraph 3 above for the purpose of adding, removing or varying cases where, for the purposes of this Schedule and section 296 of this Act, a person provides a workplace parking place.

Controlled vehicles

- 5 Where the provision of a parking place for a motor vehicle by a person at any premises constitutes the provision of a workplace parking place, then, for the purposes of this Schedule, the vehicle is a “controlled vehicle” as respects that person and those premises, subject to any exemption conferred by a licensing scheme.

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Conditions for making a licensing scheme

- 6 A licensing scheme may only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the implementation of any policies or proposals set out in the Mayor’s transport strategy.

Making a licensing scheme

- 7 (1) Any licensing scheme must be contained in an order—
- (a) made under this Schedule by the authority making the scheme; and
 - (b) submitted to, and confirmed (with or without modification) by, the Authority.
- (2) An order containing a licensing scheme shall be in such form as the Authority may determine.
- (3) The Authority may—
- (a) consult, or require an authority making a licensing scheme to consult, other persons;
 - (b) hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a licensing scheme;
 - (c) appoint the person or persons by whom any such inquiry is to be held;
 - (d) make modifications to any such order, whether in consequence of any objections or otherwise, before the order takes effect;
 - (e) require any such order to include such exemptions for such purposes as the Authority may determine.

Scheme to conform with Mayor’s transport strategy

- 8 A licensing scheme must be in conformity with the Mayor’s transport strategy.

Approval of Authority required for inclusion of certain provisions

- 9 The approval of the Authority must be obtained before there is included in a borough scheme any provision of a description specified in a direction under this paragraph given by the Authority to the London borough councils.

Joint licensing schemes

- 10 (1) The Authority may authorise or require two or more London borough councils acting jointly to make a licensing scheme applying to the whole or part of their combined areas (a “joint licensing scheme”).
- (2) In the application of this Schedule in relation to a joint licensing scheme, any reference to the licensing authority is a reference to all or any of the London borough councils concerned.

The contents of a licensing scheme

- 11 A licensing scheme must—
- (a) designate the area to which it applies;
 - (b) state the days on which, and hours during which, the authorisation of a licence is required;
 - (c) specify the rates of charge applicable in respect of licences.

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Prohibition on multiple licensing schemes

- 12 The same premises shall not be subject to more than one licensing scheme at the same time.

The charges

- 13 (1) The rates of charge applicable in respect of licences shall be expressed as a specified sum of money for each licensed unit.
- (2) The rates of charge that may be imposed by a licensing scheme include different charges (which may be no charge) for—
- (a) different days;
 - (b) different times of day;
 - (c) different parts of a licensing area;
 - (d) different classes of controlled vehicles;
 - (e) different numbers of licensed units.
- (3) In setting the rates of charge, regard may be had to the purposes for which the licensing authority is to apply the net proceeds of the scheme.

The contents of a licence

- 14 (1) A licence under a licensing scheme must—
- (a) state the name of the person to whom it is granted;
 - (b) identify the premises to which it relates;
 - (c) specify the maximum number of controlled vehicles which may be parked at those premises at any one time; and
 - (d) state the amount paid in respect of the licence and set out the calculation of that amount.
- (2) A licence may be granted subject to conditions.

Duration of licences

- 15 (1) The grant of a licence shall be for the period of one year unless the licence is a special licence.
- (2) A licensing scheme may make provision for or in connection with the granting of special licences in circumstances specified in, or determined in accordance with, the scheme.
- (3) In connection with the granting of special licences, a licensing scheme may include provision conferring a discretion on any body or person.
- (4) The grant of a special licence shall be for a period of less than a year.

Licensing: procedure

- 16 A licensing scheme may include provision for or in connection with—
- (a) the making of an application for a licence;
 - (b) the grant of a licence (which must be for the licensed units applied for);
 - (c) the issue of a licence;

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- (d) the variation or revocation of a licence.

Exemptions, reduced rates etc

- 17 (1) The Secretary of State may by regulations make provision for or in connection with exempting—
- (a) a prescribed number of parking places provided at any premises from being workplace parking places, or
 - (b) any prescribed class of motor vehicles from being controlled vehicles, whether generally or in the case of any prescribed description of premises or any prescribed description of disabled or other persons.
- (2) The Secretary of State may by regulations make provision for or in connection with—
- (a) exemptions from licensing,
 - (b) the application of reduced rates of charges for licences, or
 - (c) the imposition of limits on the charges payable for a licence,
- in the case of any prescribed description of premises or any prescribed description of disabled or other persons or, in the case of paragraph (b) or (c) above, any prescribed class of motor vehicles.
- (3) Subject to any regulations under sub-paragraph (1) or (2) above, a licensing scheme may make provision exempting—
- (a) a specified number of parking places provided at any premises from being workplace parking places, or
 - (b) any class of motor vehicles from being controlled vehicles,
- whether generally or in relation to persons or premises of a particular description.
- (4) Subject to any regulations under sub-paragraph (1) or (2) above, a licensing scheme may make provision for or in connection with—
- (a) exemptions from licensing,
 - (b) the application of reduced rates of charges for licences, or
 - (c) the imposition of limits on the charges payable for a licence,
- in the case of any particular description of persons or premises or, in the case of paragraph (b) or (c) above, any particular class of motor vehicles.

Penalty charges

- 18 (1) Regulations may make provision for or in connection with the imposition, notification, payment, adjudication or enforcement of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with a licensing scheme.
- (2) Regulations under sub-paragraph (1) above may make provision for or in connection with setting the rates of penalty charges (which may include provision for discounts or surcharges).

Liability for charges

- 19 (1) Regulations may make provision for or in connection with making the occupier of any premises, or such other person as may be prescribed, liable to pay any charges imposed in respect of the premises under or by virtue of a licensing scheme.

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- (2) Regulations may make provision for sums payable under or by virtue of a licensing scheme to be recoverable as a civil debt.
- (3) Any reference in this paragraph to charges includes a reference to penalty charges.

Determination of disputes and appeals

- 20 Regulations may make provision for or in connection with—
- (a) appeals against decisions relating to licences or in the case of a failure to make such a decision;
 - (b) the determination of disputes;
 - (c) appeals against determinations of disputes or in the case of a failure to make such a determination;
 - (d) the appointment of persons to hear appeals.

Accounts and funds

- 21 (1) A licensing authority shall keep an account of their income and expenditure in respect of each of the authority's licensing schemes.
- (2) Each of the following bodies, namely—
- (a) the Authority,
 - (b) Transport for London, and
 - (c) a London borough council,
- shall keep an account of their income and expenditure in respect of the sums received by the body which represent net proceeds of licensing schemes for which the body is not the licensing authority.
- (3) As soon as possible after the end of each financial year, each of the bodies required to keep an account under sub-paragraph (1) or (2) above shall prepare a statement of that account for that year.
- (4) A statement of account required to be prepared under sub-paragraph (3) above for any financial year shall be published—
- (a) in the case of a statement of account prepared by Transport for London, in the annual report of Transport for London under section 161 of this Act for that year;
 - (b) in any other case, in the annual accounts for that year of the body which prepared the statement of account.
- (5) At the end of each financial year—
- (a) any deficit in an account required to be kept under sub-paragraph (1) or (2) above shall be made good out of the body's general fund; and
 - (b) any surplus in any such account shall be dealt with in accordance with sub-paragraphs (6) and (7) below.
- (6) Any such surplus shall be applied towards making good to the general fund any amount charged to that fund under sub-paragraph (5)(a) above in respect of the account in question in the ten years immediately preceding the financial year in question.

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- (7) So much of any surplus as remains after the application of sub-paragraph (6) above shall be carried forward in the account in question to the next financial year.
- (8) In the application of this paragraph in relation to Transport for London, any reference to its general fund shall be taken as a reference to its gross income.

Application of the net proceeds

- 22 (1) In the case of any licensing scheme which comes into force during the period of ten years beginning with the inception of the Authority, the net proceeds of the scheme shall, during the scheme's initial period, be available only for application for relevant transport purposes by any one or more of the following bodies, namely—
- (a) the Authority;
 - (b) Transport for London; or
 - (c) a London borough council.
- (2) Except as provided by sub-paragraph (1) above, the net proceeds of a licensing scheme shall be applied only as may be specified in, or determined in accordance with, regulations under this sub-paragraph.
- (3) Regulations under sub-paragraph (2) above may include provision conferring a discretion on any body or person.
- (4) The provision that may be made by regulations under sub-paragraph (2) above includes provision for sub-paragraph (1) above to continue to apply, but with the substitution for the number of years for the time being there mentioned of a number of years greater than ten.
- (5) The net proceeds of licensing schemes may only be applied for purposes which provide value for money.
- (6) Sub-paragraphs (1) to (5) above are without prejudice to paragraph 21(6) above.
- (7) In this paragraph—
- “the inception of the Authority” means the commencement of the term of office of the Mayor and Assembly members returned at the first ordinary election;
 - “the initial period”, in the case of any licensing scheme, means—
 - (a) the period of ten years beginning with the coming into force of the scheme; or
 - (b) such longer period as the Secretary of State may allow in the case of any particular scheme.

Provisions supplementary to paragraph 22

- 23 (1) Before making any regulations under paragraph 22(2) above, the Secretary of State shall make an assessment of what he considers to be—
- (a) the likely amounts of net proceeds of licensing schemes; and
 - (b) the potential for spending such net proceeds on relevant transport purposes which provide value for money.
- (2) Before making any such regulations, the Secretary of State shall consult the Authority.

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- (3) The Secretary of State may issue guidance to the Authority, Transport for London and the London borough councils with respect to the appraisal of whether any application of net proceeds of a licensing scheme for any purpose provides value for money.
- (4) In determining how to apply the net proceeds of licensing schemes, the Authority, Transport for London and any London borough council shall comply with any guidance issued by the Secretary of State under sub-paragraph (3) above.
- (5) The Secretary of State may at any time vary the guidance under sub-paragraph (3) above.
- (6) In determining for the purposes of paragraph 22 above when the initial period there mentioned begins or expires in the case of any licensing scheme, regulations may make provision as to circumstances in which—
 - (a) the same licensing scheme is to be regarded as continuing in force, notwithstanding the making of amendments or the revocation and replacement (with or without modifications) of a scheme; or
 - (b) a different scheme is, or is not, to be regarded as coming into force.

Apportionment of net proceeds of licensing schemes

- 24 (1) The Authority may require a licensing scheme to include provision for such portion of the net proceeds as the Authority may determine to be paid to—
 - (a) the Authority,
 - (b) Transport for London, or
 - (c) such London borough councils as may be specified or described by the Authority,
 for application for relevant transport purposes.
- (2) In this Schedule, any reference to a licensing authority’s share of the net proceeds of a licensing scheme is a reference to so much of the net proceeds of the scheme as remains after the making of any payments to other bodies or persons required by virtue of sub-paragraph (1) above or regulations under paragraph 22(2) above.
- (3) For the purposes of this Schedule, the payment by the Authority of a sum received by the Authority by virtue of sub-paragraph (1) above to any body corporate for the purpose of the application of that sum by that body for relevant transport purposes shall be taken to be the application of that sum by the Authority for relevant transport purposes.

Licensing authority’s 10 year plan for their share

- 25 (1) A licensing scheme must include a statement of the licensing authority’s proposed general plan for applying the authority’s share of the net proceeds of the scheme during the opening ten year period.
- (2) In sub-paragraph (1) above, “the opening ten year period”, in relation to any licensing scheme, means the period which—
 - (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the tenth financial year that commences on or after that date.
- (3) An order containing a licensing scheme shall not come into force unless and until the statement required by sub-paragraph (1) above has been approved—

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- (a) by the Secretary of State; and
 - (b) if the scheme is a borough scheme, by the Authority.
- (4) In the case of a borough scheme, an application for approval under sub-paragraph (3) (a) above may only be made—
- (a) by the Authority acting on behalf of the licensing authority; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (3)(b) above.

Licensing authority's 4 year programmes for their share

- 26 (1) As long as a licensing scheme remains in force, the licensing authority shall, during every fourth financial year after the financial year in which the scheme comes into force, prepare a written statement of their proposed general programme for applying the authority's share of the net proceeds of the scheme during the next four financial years.
- (2) Any statement required to be prepared under sub-paragraph (1) above must be submitted for approval to—
- (a) the Secretary of State; and
 - (b) in the case of a borough scheme, the Authority.
- (3) Any statement required to be submitted to the Secretary of State under sub-paragraph (2)(a) above must be so submitted not less than six months before the end of the financial year during which the statement is required to be prepared.
- (4) In the case of a borough scheme, any submission to the Secretary of State under sub-paragraph (2)(a) above may only be made—
- (a) by the Authority acting on behalf of the licensing authority; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (2)(b) above.
- (5) Any statement prepared and approved under this paragraph in the case of a licensing scheme prevails for all purposes over any conflicting provisions in the statement included in the scheme pursuant to paragraph 25 above.

Authority's 10 year plan for the redistributed portion

- 27 (1) This paragraph applies in relation to a licensing scheme which by virtue of paragraph 24(1) above includes provision for a portion of the net proceeds of the scheme (the "redistributed portion") to be paid by the licensing authority to another body.
- (2) The Authority shall prepare and submit to the Secretary of State a statement of the Authority's general plan for the application (whether by the Authority or any other body) of the redistributed portion during the opening ten year period.
- (3) In sub-paragraph (2) above, "the opening ten year period", in relation to any licensing scheme, means the period which—
- (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the tenth financial year that commences on or after that date.
- (4) An order containing a licensing scheme shall not come into force unless and until any statement required by sub-paragraph (2) above in the case of that scheme has been approved by the Secretary of State.

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Authority's 4 year programmes for the redistributed portion

- 28 (1) As long as a licensing scheme to which paragraph 27 above applies remains in force, the Authority shall, during every fourth financial year after the financial year in which the scheme comes into force, prepare the statement described in sub-paragraph (2) below.
- (2) That statement is a written statement of the Authority's proposed general programme for the application (whether by the Authority or any other body) of the redistributed portion of the net proceeds of the scheme during the next four financial years.
- (3) Any statement required to be prepared under sub-paragraph (1) above must be submitted for approval to the Secretary of State not less than six months before the end of the financial year during which the statement is required to be prepared.
- (4) A statement prepared and approved under this paragraph for any scheme prevails for all purposes over any conflicting provisions in the statement prepared and approved under paragraph 27 above for that scheme.

Non-compliance with paragraph 26 or 28 above

- 29 (1) Except with the consent of the Secretary of State in any particular case, none of the licensing authority's share of the net proceeds of a licensing scheme may be applied in any financial year beginning after the end of the opening four year period unless and until a statement under paragraph 26 above having effect in relation to a period in which that year falls has been prepared and approved under that paragraph.
- (2) Except with the consent of the Secretary of State in any particular case, none of the redistributed portion of the net proceeds of a licensing scheme may be applied in any financial year beginning after the end of the opening four year period unless and until a statement under paragraph 28 above having effect in relation to a period in which that year falls has been prepared and approved under that paragraph in relation to the scheme.
- (3) In this paragraph, "the opening four year period", in relation to any licensing scheme, means the period which—
- (a) begins with the date on which the scheme comes into force; and
 - (b) ends with the fourth financial year that commences on or after that date.

4 year programmes: amendment, replacement and voluntary statements

- 30 (1) Where a statement has been prepared and approved under paragraph 26 or 28 above, the authority which prepared the statement may—
- (a) amend the statement, or
 - (b) replace it with another statement (a "replacement statement"),
- but subject to the following provisions of this paragraph.
- (2) Subject to the following provisions of this paragraph, where a licensing scheme is in force—
- (a) the licensing authority may prepare a statement such as is described in paragraph 26(1) above, and
 - (b) if the licensing scheme is one to which paragraph 27 above applies, the Authority may prepare a statement such as is described in paragraph 28(2) above,

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at any time before the beginning of the first financial year for which a statement under paragraph 26 or, as the case may be, paragraph 28 above is required to be prepared in respect of the scheme.

- (3) For the purposes of this paragraph—
- (a) a “voluntary statement” is a statement prepared under sub-paragraph (2)(a) or (b) above,
 - (b) a statement prepared under sub-paragraph (2)(a) above shall be treated as a statement prepared under paragraph 26 above and, if approved in accordance with the provisions of this paragraph, as approved under that paragraph, and
 - (c) a statement prepared under sub-paragraph (2)(b) above shall be treated as a statement prepared under paragraph 28 above and, if approved in accordance with the provisions of this paragraph, as approved under that paragraph,
- and references to statements under paragraph 26 or 28 above shall be construed accordingly.
- (4) The power conferred by sub-paragraph (1)(b) or (2) above is exercisable—
- (a) in the case of a statement under paragraph 26 above in respect of a borough scheme, during the period of six months beginning with the day on which a change of control of the London borough council concerned occurs; or
 - (b) in any other case, during the period of six months beginning with the term of office of any person returned as the Mayor at an ordinary election or at an election under section 16 of this Act.
- (5) Where, in exercise of the powers conferred by this paragraph, an authority proposes—
- (a) to amend or replace a statement prepared and approved under paragraph 26 or 28 above, or
 - (b) to prepare a voluntary statement,
- sub-paragraph (6) below applies.
- (6) Where this sub-paragraph applies, the amendment, replacement statement or voluntary statement must be submitted for approval—
- (a) to the Secretary of State; and
 - (b) if the statement concerned or affected is one prepared in respect of a borough scheme by the licensing authority, to the Authority.
- (7) Where sub-paragraph (6)(b) above applies, any submission to the Secretary of State under sub-paragraph (6)(a) above may only be made—
- (a) by the Authority acting on behalf of the licensing authority concerned; and
 - (b) after the giving by the Authority of the approval required by sub-paragraph (6)(b) above.
- (8) Where a statement prepared and approved under paragraph 26 or 28 above is amended in accordance with this paragraph, the statement shall continue to be regarded for the purposes of this Schedule as a statement so prepared and approved, notwithstanding the amendment.
- (9) A replacement statement or a voluntary statement must relate to the four financial years beginning with the financial year in which it takes effect (disregarding so much of that year as has expired before the statement takes effect).

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- (10) A replacement statement or voluntary statement prepared and approved under this paragraph shall be taken for the purposes of this Schedule to be a statement prepared and approved—
- (a) under paragraph 26 above, if it was prepared in respect of a licensing scheme by the licensing authority; or
 - (b) under paragraph 28 above, if it was prepared by the Authority.
- (11) Where a voluntary statement or replacement statement prepared by an authority takes effect, the time at which any subsequent statement is required to be prepared by that authority by virtue of paragraph 26 or 28 above in respect of the licensing scheme in question shall be determined as if the financial year preceding that in which the replacement statement or voluntary statement takes effect had been such a fourth year as is mentioned in sub-paragraph (1) of that paragraph.

Rights of entry

- 31 (1) Where a person duly authorised in writing by a licensing authority has reason to believe that any premises are being used for the provision of workplace parking places, he may at any reasonable time enter those premises for the purpose of—
- (a) ascertaining whether controlled vehicles are parked at those premises without a licence in respect of those premises;
 - (b) ascertaining whether there are parked at those premises controlled vehicles in excess of the number permitted by a licence in respect of those premises; or
 - (c) ascertaining whether there is or has been any contravention of the conditions of a licence in respect of those premises.
- (2) A person duly authorised in writing by a licensing authority may at any reasonable time enter any premises for the purpose of issuing a penalty charge notice.
- (3) A person authorised under sub-paragraph (1) or (2) above to enter any premises shall, if so required, produce evidence of his authority before so entering.
- (4) Any person who wilfully obstructs a person acting in the exercise of his powers under sub-paragraph (1) or (2) above shall be guilty of an offence and liable—
- (a) on summary conviction to a fine not exceeding level 5 on the standard scale; or
 - (b) on conviction on indictment, to a fine.
- (5) Where any land is damaged in the exercise of a right of entry conferred under sub-paragraph (1) or (2) above, compensation in respect of that damage may be recovered by any person interested in the land from the licensing authority on whose behalf the entry was effected.
- (6) The provisions of section 118 of the Town and Country Planning Act 1990 shall apply in relation to compensation under sub-paragraph (7) above as they apply in relation to compensation under Part IV of that Act.

Evidence

- 32 Regulations may make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Schedule, or proceedings

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in respect of a failure to comply with the provisions of a licensing scheme, to be given by the production of—

- (a) a record produced by a prescribed device; and
- (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a prescribed person.

Expenses

- 33 The Authority, Transport for London or a London borough council may—
- (a) incur expenditure in or in connection with the establishment or operation of a licensing scheme; or
 - (b) enter into arrangements (including arrangements for forming or participating in companies) with any body or person in respect of the operation of a licensing scheme or relating to the installation or operation of any equipment used for or in connection with the operation of a licensing scheme.

Directions by the Authority

- 34 (1) The Authority may give to any London borough council general or specific directions requiring the council to exercise, in such manner as may be specified in the directions, —
- (a) any of the council's powers under this Schedule; or
 - (b) for purposes connected with a licensing scheme made by that council or any other authority, any of the council's powers under any other enactment relating to the management or control of traffic.
- (2) A London borough council shall comply with any directions given to the council by the Authority.

Guidance

- 35 (1) The Authority may issue guidance to Transport for London or any London borough council in relation to the discharge of their functions under this Schedule.
- (2) Transport for London or a London borough council in exercising any function under this Schedule shall have regard to any guidance issued by the Authority under this paragraph.

Parking in the Palace of Westminster

- 36 (1) This paragraph has effect for the purposes of this Schedule and section 296 of this Act.
- (2) The Palace of Westminster shall be treated as premises occupied by the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons acting jointly.
- (3) Every motor vehicle for which a parking place is provided at the Palace of Westminster shall be taken to be a motor vehicle used as mentioned in paragraph 3(1) above if it is a vehicle used—
- (a) by a Member or officer of either House of Parliament;

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- (b) by a person employed as a member of the House of Lords staff;
 - (c) by a person employed as a member of the House of Commons staff;
 - (d) by a person employed by a member of either House of Parliament; or
 - (e) by, or by an employee of, any person supplying or seeking to supply goods or services to—
 - (i) the House of Lords,
 - (ii) the House of Commons,
 - (iii) any member or officer of either House of Parliament,
 or any agent or sub-contractor of such a person.
- (4) No offence under this Schedule or regulations made under it is capable of being committed in relation to parking in the Palace of Westminster.
- (5) No right of entry conferred under or by virtue of this Schedule shall be exercisable in relation to the Palace of Westminster.
- (6) No penalty charge notice shall be issued in respect of parking in the Palace of Westminster.
- (7) In this paragraph—
- “member of the House of Commons staff” means any person—
 - (a) who was appointed by the House of Commons Commission; or
 - (b) who is a member of the Speaker’s personal staff;
 - “member of the House of Lords staff” means any person who is employed under a contract of employment made with the Corporate Officer of the House of Lords.

Crown application

- 37 (1) Subject to the provisions of this paragraph, the provisions of this Schedule and of regulations and licensing schemes made under it shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Schedule or of any regulations or licensing scheme made under it shall make the Crown criminally liable; but the High Court may, on the application of a licensing authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in sub-paragraph (2) above, the provisions of this Schedule and of regulations and licensing schemes made under it shall apply to persons in the public service of the Crown as they apply to other persons.
- (4) No power of entry conferred by this Schedule or regulations made under it shall be exercisable in relation to any premises held or used by or on behalf of the Crown.
- (5) Nothing in this paragraph shall be taken as in any way affecting Her Majesty in her private capacity; and this sub-paragraph shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

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Duration of licensing schemes

- 38 A licensing scheme shall state whether or not it is to remain in force indefinitely and, if it is not to remain in force indefinitely, shall state the period for which it is to remain in force.

Variation and revocation of licensing schemes

- 39 The power to make a licensing scheme includes power, exercisable in the same manner, and subject to the same conditions and limitations, to vary or revoke such a scheme.

SCHEDULE 25

Section 309.

FURTHER AMENDMENTS OF THE REGIONAL DEVELOPMENT AGENCIES ACT 1998

Preliminary

- 1 The Regional Development Agencies Act 1998 shall be amended as follows.

Powers of the London Development Agency

- 2 In section 5 (powers of the regional development agencies) after subsection (3) there shall be inserted—
- “(4) Subsection (2) has effect in relation to the London Development Agency as if the reference to the Secretary of State were for the purposes of paragraph (c) a reference to the Mayor of London.”

Regional chambers

- 3 In section 8 (regional consultation by the regional development agencies) after subsection (3) there shall be inserted—
- “(4) This section does not apply in relation to the London Development Agency.”

Financial arrangements

- 4 In section 9 (general financial duties of the regional development agencies) after subsection (4) there shall be inserted—
- “(5) This section does not have effect in relation to the London Development Agency.”

Grants

- 5 (1) Section 10 (government grants to the regional development agencies) shall be amended as follows.
- (2) At the beginning there shall be inserted “(1)”.
- (3) In the subsection (1) so formed, after “agency” there shall be inserted “other than the London Development Agency”.

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(4) After the subsection (1) so formed there shall be inserted—

“(2) The Secretary of State may, with the approval of the Treasury, make to the Greater London Authority grants of such amounts, and on such terms, as he thinks fit.

(3) Any grant made under subsection (2) shall be made for the purposes of the London Development Agency.”

Borrowing by the Agency

6 (1) Section 11 (borrowing by the regional development agencies) shall be amended as follows.

(2) In subsection (6)(a) (collective borrowing limit), for “£200 million” there shall be substituted “£177.77 million”.

(3) After subsection (7) there shall be inserted—

“(8) This section does not apply in relation to the London Development Agency.”

Guarantees of the Agency’s borrowing

7 In section 12 (government guarantees of borrowing by regional development agencies) after subsection (4) there shall be inserted—

“(5) This section does not apply in relation to the London Development Agency.”

Loans to the Agency

8 In section 13 (government loans to the regional development agencies) after subsection (5) there shall be inserted—

“(6) This section does not have effect in relation to the London Development Agency.”

Accounts

9 In section 14 (accounts and records of the regional development agencies) after subsection (6) there shall be inserted—

“(7) This section does not have effect in relation to the London Development Agency.”

Information, reports and accountability

10 In section 16 (provision of information by regional development agencies) after “agency” there shall be inserted “other than the London Development Agency”.

Annual reports

11 In section 17 (annual reports of regional development agencies), subsection (4) (meaning of “accounting period”) shall be renumbered as subsection (8) and after subsection (3) there shall be inserted—

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“(4) Subsections (1) and (2) have effect in relation to the London Development Agency as if the references to the Secretary of State were references to the Mayor of London.

(5) Subsection (3) does not apply to the London Development Agency.

(6) The London Development Agency shall send a copy of a report under this section to the London Assembly.

(7) The Mayor of London shall arrange for publication of any report sent to him under this section.”

Accountability

12 In section 18 (regional accountability of regional development agencies) after subsection (4) there shall be inserted—

“(5) Subsections (2) to (4) have effect in relation to the London Development Agency as if references to the Secretary of State were references to the Mayor of London.”

Acquisition of land

13 In section 20 (acquisition of land by the regional development agencies) after subsection (3) there shall be inserted—

“(3A) The London Development Agency shall not by virtue of subsection (1) or (3) submit to the Secretary of State a compulsory purchase order authorising the acquisition of any land in accordance with section 2(2) of the Acquisition of Land Act 1981 unless the Mayor of London has given his consent.”

Power to alter regions

14 In section 25 (power to alter the regions of the regional development agencies) after subsection (7) there shall be inserted—

“(7A) No order may be made under this section altering the extent of the London region.”

Change of the Agency name

15 (1) Section 26 (change of name of regional development agencies) shall be amended as follows.

(2) After subsection (2) there shall be inserted—

“(2A) The London Development Agency shall not change the name by which it is to be known without the consent of the Mayor of London.”

(3) After subsection (3), there shall be inserted—

“(3A) Subsection (3) has effect in relation to the London Development Agency as if the references to the Secretary of State were references to the Mayor of London.”

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Power to promote or oppose Bills in Parliament

16 After section 26 there shall be inserted—

“26A Power to promote or oppose Bills in Parliament

- (1) The London Development Agency—
 - (a) may promote Bills in Parliament; and
 - (b) may oppose any Bill in Parliament.
- (2) Subsection (1)(a) applies only if the Mayor of London—
 - (a) gives his 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 Mayor of London does not confirm the consent as required by subsection (2)(b), he shall give notice of that fact to the London Development Agency, which shall take all necessary steps for the withdrawal of the Bill.
- (4) If the Mayor of London, in giving notice under subsection (3), states that he confirms his consent to the Bill if provisions specified in the notice are omitted or are amended as so specified, the London Development Agency may, instead of withdrawing the Bill pursuant to subsection (3), 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), the functions conferred on the London Development Agency by subsection (1)(a) are exercisable subject to, and in accordance with, the provisions of Schedule 6A.
- (6) Subsection (1)(b) applies only if the Mayor of London gives his written consent to the London Development Agency to oppose the Bill.
- (7) If—
 - (a) the London Development Agency deposits a petition against a Bill in Parliament, but
 - (b) the consent required by subsection (6) has not been given before the end of the period of 30 days following the day on which the petition is deposited,
 the London Development Agency shall take all necessary steps for the withdrawal of the petition.
- (8) Before exercising the functions conferred by subsection (2)(a) or (b), (4) or (6), the Mayor of London shall consult the London Assembly.
- (9) This section is without prejudice to any power to promote or oppose Bills in Parliament which a regional development agency other than the London Development Agency may have apart from this section.”

Power to give guidance and directions

17 In section 27 (power to give guidance and directions to the regional development agencies) after subsection (1) there shall be inserted—

“(1A) Subsection (1) has effect in relation to the London Development Agency as if the reference to the Secretary of State were a reference to the Mayor of London.”

Application of guidance, consent etc provisions to the Mayor

18 After section 30 there shall be inserted—

“30A Application of guidance, consent etc. provisions to the Mayor of London

Sections 28 to 30 have effect in relation to the Mayor of London as they have effect in relation to the Secretary of State.”

Interpretation

19 In section 41 (general interpretation) before the definition of “Minister of the Crown” there shall be inserted—

““the London Development Agency” means the regional development agency established for the London region;”.

Amendments of Schedule 2

20 (1) Schedule 2 (constitution of the regional development agencies) shall be amended as follows.

(2) In paragraph 1 (membership) after sub-paragraph (3) there shall be inserted—

“(4) Sub-paragraphs (2) and (3) have effect in relation to the London Development Agency as if the references to the Secretary of State were references to the Mayor of London.

(5) Where the Mayor of London makes an appointment under section 2(1) by virtue of section 2(7), he shall not make it a term of appointment of the person so appointed that he is to be required to resign his office if he ceases to be an elected member of the London Assembly, a London borough council or the Common Council of the City of London.”

(3) In paragraph 2 (chairman and deputy chairman) at the beginning there shall be inserted “(1)”.

(4) After the sub-paragraph (1) so formed, there shall be inserted—

“(2) Sub-paragraph (1) has effect in relation to the London Development Agency as if the reference to the Secretary of State were a reference to the Mayor of London.

(3) Where the Mayor of London designates a person under section 2(4) by virtue of section 2(7), he shall not make it a term of appointment of the person so designated that he is to be required to resign his office if he ceases to be an elected member of the London Assembly, a London borough council or the Common Council of the City of London.”

(5) After paragraph 3 (remuneration, pensions etc) there shall be inserted—

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“Application of paragraph 3 in relation to the London Development Agency

- 3A (1) Payments by way of remuneration or allowances, other than allowances in respect of expenses incurred in the exercise of their functions, shall not be made under paragraph 3(1) to members of the London Development Agency who are also members of the London Assembly.
- (2) The payments that may be made to or in respect of a person—
- (a) under paragraph 3(2)(a) or (b), or
 - (b) under a scheme provided or maintained under paragraph 3(2)(c),
- do not include payments referable to periods when the person is or was a member of both the London Development Agency and the London Assembly.
- (3) In the application of paragraph 3 in relation to the London Development Agency, the references to the Secretary of State shall be taken as references to the Mayor of London.”
- (6) In paragraph 4 (staff) after sub-paragraph (4) there shall be inserted—
- “(5) This paragraph has effect in relation to the London Development Agency as if the references to the Secretary of State were references to the Mayor of London.”
- (7) In paragraph 5(1) (section 1 of the Superannuation Act 1972 to apply to employees of regional development agencies) at the end there shall be added “other than the London Development Agency (for whose employees corresponding provision is made by section 389(1) of the Greater London Authority Act 1999)”.

Promotion of Bills in Parliament by the London Development Agency

21 After Schedule 6 there shall be inserted—

“SCHEDULE 6A

PROMOTION OF BILLS IN PARLIAMENT BY THE LONDON DEVELOPMENT AGENCY

Preliminary requirements

- 1 No Bill may be deposited in Parliament by virtue of section 26A(1)(a) until the requirements of paragraph 2 have been complied with.

Consultation on draft Bill

- 2 (1) The London Development Agency shall—
- (a) prepare a draft of the proposed Bill (“the draft Bill”);
 - (b) send copies of the draft Bill to the bodies and persons specified in sub-paragraph (2); and
 - (c) consult those bodies and persons about the draft Bill.
- (2) Those bodies and persons are—
- (a) the Mayor of London;

- (b) the London Assembly;
 - (c) every London borough council; and
 - (d) the Common Council.
- (3) Where the London Development Agency sends copies of the draft Bill to those bodies and persons pursuant to sub-paragraph (1)(b), it shall also give those bodies and persons notice of the time within which, and the place at which, they may make representations about the draft Bill.

Publicity for, and exposure of, the draft Bill

- 3 (1) Throughout the consultation period, the London Development Agency shall take such steps as in its opinion will give adequate publicity to the draft Bill.
- (2) A copy of the draft Bill shall be kept available by the London Development Agency for inspection by any person on request free of charge—
- (a) at the principal offices of the London Development Agency, and
 - (b) at such other places as the London Development Agency considers appropriate,
- at reasonable hours throughout the consultation period.
- (3) A copy of the draft Bill, or of any part of the draft Bill, shall be supplied to any person on request during the consultation period for such reasonable fee as the London Development Agency may determine.
- (4) In this paragraph “the consultation period” means the period which—
- (a) begins with the first day after the requirements of paragraph 2(1) (b) have been complied with; and
 - (b) ends with the time notified pursuant to paragraph 2(3).

Deposition of the Bill in Parliament

- 4 (1) If, after the requirements of paragraph 2 have been complied with, a Bill is deposited in Parliament by virtue of section 26A(1)(a), that Bill must be in the form of the draft Bill, either as originally prepared or as modified to take account of—
- (a) representations made pursuant to paragraph 2;
 - (b) other representations made within the consultation period; or
 - (c) other material considerations.
- (2) In this paragraph “the consultation period” has the same meaning as in paragraph 3.

Bills affecting statutory functions of London local authorities

- 5 If a Bill proposed to be deposited in Parliament by virtue of section 26A(1)(a) contains provisions affecting the exercise of statutory functions by a London local authority, the Bill shall not be deposited in Parliament unless—

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- (a) in a case where the exercise of statutory functions of one London local authority is affected, that authority has given its written consent to the Bill in the form in which it is to be so deposited; or
 - (b) in a case where the exercise of statutory functions of two or more London local authorities is affected, at least 90 per cent. of all London local authorities have given their written consent to the Bill in that form.
- (2) In this paragraph “London local authority” means—
- (a) a London borough council; or
 - (b) the Common Council.

Publicity for the deposited Bill

- 6 (1) This paragraph applies where a Bill (“the deposited Bill”) is deposited in Parliament by virtue of section 26A(1)(a).
- (2) During the period of 14 days following the day on which the deposited Bill is deposited in Parliament, the London Development Agency shall take such steps as in its opinion will give adequate publicity to the Bill.
- (3) A copy of the deposited Bill shall be kept available by the London Development Agency for inspection by any person on request free of charge—
- (a) at the principal offices of the London Development Agency, and
 - (b) at such other places as the London Development Agency considers appropriate,
- at reasonable hours throughout the period while the Bill is in Parliament.
- (4) A copy of the deposited Bill, or of any part of the deposited Bill, shall be supplied to any person on request during that period for such reasonable fee as the London Development Agency may determine.”

SCHEDULE 26

Section 310.

THE METROPOLITAN POLICE AUTHORITY: SCHEDULE 2A TO THE POLICE ACT 1996

“SCHEDULE 2A

THE METROPOLITAN POLICE AUTHORITY

Membership

- 1 (1) Where the Metropolitan Police Authority is to consist of twenty three members—
- (a) twelve of those members shall be members of the London Assembly appointed under paragraph 2,
 - (b) seven shall be persons appointed under paragraph 3, and
 - (c) four shall be magistrates appointed under paragraph 5.
- (2) Where, by virtue of an order under section 5C(2), the Metropolitan Police Authority is to consist of a number of members other than twenty three—

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- (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) shall be members of the London Assembly appointed under paragraph 2,
- (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 3, and
- (c) the remainder shall be magistrates appointed under paragraph 5.

Appointment of members by the Mayor

- 2
- (1) The members of the Metropolitan Police Authority referred to in paragraph 1(1)(a) or (2)(a) shall be appointed by the Mayor of London in accordance with this paragraph.
 - (2) One of those members must be the Deputy Mayor, except as provided by paragraphs 9(2)(b) and 17(b) of Schedule 4 to the Greater London Authority Act 1999 or unless the Deputy Mayor is disqualified for being appointed as or being a member of the Metropolitan Police Authority under paragraph 7 below.
 - (3) The Mayor (or, where paragraph 9(2)(b) or 17(b) of Schedule 4 to that Act applies, the Chair of the London Assembly) shall ensure that, so far as practicable, the members for whose appointment he is responsible reflect the balance of parties for the time being prevailing among the members of the London Assembly.

Appointment of independent members

- 3
- (1) The members of the Metropolitan Police Authority referred to in paragraph 1(1)(b) or (2)(b) shall be appointed in accordance with this paragraph.
 - (2) One shall be appointed by the Secretary of State.
 - (3) The remainder shall be appointed—
 - (a) by the members of the Metropolitan Police Authority appointed under paragraph 2 or 5,
 - (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 3.
 - (4) In the application of Schedule 3 in relation to the appointment of the first members of the Metropolitan Police Authority, the selection panel referred to in paragraph 1(1)(b) of that Schedule shall, instead of being constituted in accordance with sub-paragraphs (2) and (3) of that paragraph, be constituted in accordance with sub-paragraph (5) below.
 - (5) The selection panel shall consist of three members, of whom—
 - (a) one shall be appointed by the Secretary of State;
 - (b) one shall be appointed by the Secretary of State after consultation with persons whom, or organisations which, he considers represent the interests of local government in Greater London; and
 - (c) one shall be appointed by the two members of the panel appointed by virtue of paragraphs (a) and (b).
 - (6) Notwithstanding paragraph 3(1A) of Schedule 3, the persons appointed under paragraphs (b) and (c) of sub-paragraph (5) shall cease to hold office when all the first members of the Metropolitan Police Authority have been appointed (but shall be eligible for further appointment under Schedule 3); but an appointment under

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paragraph (a) of that sub-paragraph shall have effect thereafter as if it had been an appointment under paragraph 1(2)(b) of that Schedule.

- 4 (1) The Metropolitan Police Authority shall arrange for a notice stating—
- (a) the name of each of its members appointed under paragraph 3(2) or (3), and
 - (b) such other information relating to any such member as the Metropolitan Police Authority considers appropriate,
- to be published in such manner as appears to it to be appropriate.
- (2) The Metropolitan Police Authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1).

Appointment of magistrates

- 5 The members of the Metropolitan Police Authority referred to in paragraph 1(1)(c) or (2)(c)—
- (a) must be magistrates for commission areas which are wholly or partly within the metropolitan police district, and
 - (b) shall be appointed by the person or body responsible for the appointment of members of the Greater London Magistrates' Courts Authority under regulations made under section 30B of the Justices of the Peace Act 1997.

Chairman

- 6 (1) The Metropolitan Police Authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the Metropolitan Police Authority (other than an extraordinary meeting), or
 - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

Disqualification

- 7 (1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified for being appointed as or being a member of the Metropolitan Police Authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the Metropolitan Police Authority or any committee or sub-committee of the Metropolitan Police Authority, or by a joint committee on which the Metropolitan Police Authority is represented, or by a person holding any such office or employment;
 - (b) a bankruptcy order has been made against him, or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (c) he is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of

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- the Insolvency Act 1986 (failure to pay under county court administration order); or
- (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee—
- (a) on which that police authority is represented, and
- (b) any member of which is appointed on the nomination of some other police authority,
- shall be disqualified for being appointed as, or being, a member of that other police authority if either of those police authorities is the Metropolitan Police Authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
- (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 8 (1) Without prejudice to paragraph 7, a person shall be disqualified for being appointed as a member of the Metropolitan Police Authority under paragraph 3 if—
- (a) he has not yet attained the age of twenty-one years, or
- (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the metropolitan police district during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraph 7, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within the metropolitan police district.
- 9 (1) Without prejudice to paragraph 7, a person shall be disqualified for being appointed as a member of the Metropolitan Police Authority under paragraph 3, and for being a member so appointed, if he is—
- (a) a member of a London borough council;
- (b) the Mayor of London;
- (c) a member of the London Assembly;

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- (d) a magistrate for a commission area which is wholly or partly within the metropolitan police district;
 - (e) a member of the selection panel for the metropolitan police district established under Schedule 3;
 - (f) a member of a police force;
 - (g) an officer or employee of a police authority; or
 - (h) an officer or employee of the Greater London Authority or of a London borough council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(h) as an employee of a London borough council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
 - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

Tenure of office

- 10 Subject to the following paragraphs (and to the provision of any order under section 5C(2)) a person shall hold and vacate office as a member of the Metropolitan Police Authority in accordance with the terms of his appointment.
- 11 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years, or
 - (b) such shorter term as the person or body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b), be appointed under paragraph 3(3) for a term shorter than four years without the approval of the Secretary of State.
- 12 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the Metropolitan Police Authority.
- (2) Where a member appointed under paragraph 3 resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 13 (1) A member of the London Assembly appointed to be a member of the Metropolitan Police Authority under paragraph 2 shall cease to be a member of the Metropolitan Police Authority if he ceases to be a member of the London Assembly (and does not immediately again become a member of the London Assembly).
- (2) The Deputy Mayor appointed to be a member of the Metropolitan Police Authority under paragraph 2 shall cease to be a member of that Authority if he ceases to be Deputy Mayor.
- (3) A magistrate appointed to be a member of the Metropolitan Police Authority under paragraph 5 shall cease to be a member of that Authority if he ceases to be one of the magistrates for commission areas which are wholly or partly within the metropolitan police district.
- 14 (1) The Metropolitan Police Authority may remove a member from office by notice in writing if—

- (a) he has been absent from meetings of the Metropolitan Police Authority for a period longer than three consecutive months without the consent of the Metropolitan Police Authority,
 - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 7),
 - (c) the Metropolitan Police Authority is satisfied that the member is incapacitated by physical or mental illness, or
 - (d) the Metropolitan Police Authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where the Metropolitan Police Authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 5, to the body or person which appointed him, and
 - (b) in the case of a member appointed under paragraph 3, to the Secretary of State.
- 15 The Mayor of London may remove from office a member of the Metropolitan Police Authority appointed by him under paragraph 2 with a view to appointing another in his place if he considers that to do so would further the object provided for by paragraph 2(3).
- 16 If the chairman of the Metropolitan Police Authority ceases to be a member, he shall also cease to be chairman.

Eligibility for re-appointment

- 17 A person who ceases to be a member, otherwise than by virtue of paragraph 14, or ceases to be chairman may (if otherwise eligible) be re-appointed.

Validity of acts

- 18 The acts and proceedings of any person appointed to be a member or chairman of the Metropolitan Police Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 19 The proceedings of the Metropolitan Police Authority shall not be invalidated by a vacancy in the membership of the Metropolitan Police Authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

Allowances

- 20 (1) The Metropolitan Police Authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine.
- (2) Payments by way of allowances shall not be made to members of the Metropolitan Police Authority who are also members of the London Assembly.
- (3) Payments made under sub-paragraph (1) may differ according to whether the recipient is the chairman or one of the other members of the Metropolitan Police Authority or was appointed under paragraph 2, 3 or 5.

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Mayor's functions to be exercised by him personally

- 21 Any functions exercisable by the Mayor of London under this Schedule may only be exercised by him personally.

Interpretation

- 22 In this Schedule—
 “commission area” has the same meaning as in the Justices of the Peace Act 1997;
 “magistrate” has the same meaning as in the Justices of the Peace Act 1997.”

SCHEDULE 27

Section 325.

FURTHER AMENDMENTS RELATING TO METROPOLITAN POLICE ETC

The Metropolitan Police Act 1829

- 1 The following provisions of the Metropolitan Police Act 1829 shall cease to have effect—
- (a) section 1 (establishment of metropolitan police and appointment of Commissioner);
 - (b) section 4 (the metropolitan police district);
 - (c) section 5 (regulations for management of the force);
 - (d) sections 10 to 12 (the Receiver); and
 - (e) section 22 (watchboxes).

The Metropolitan Police Act 1856

- 2 The following provisions of the Metropolitan Police Act 1856 shall cease to have effect—
- (a) section 2 (appointment of Assistant Commissioners);
 - (b) section 6 (duties of Assistant Commissioners);
 - (c) section 7 (matters which may be done by the Commissioner or an Assistant Commissioner); and
 - (d) section 8 (powers of Assistant Commissioners in case of vacancy or illness of the Commissioner).

The Metropolitan Police (Receiver) Act 1861

- 3 The following provisions of the Metropolitan Police (Receiver) Act 1861 shall cease to have effect—
- (a) section 1 (Receiver as corporation sole with power to hold stocks, shares etc);
 - (b) section 5 (power of Receiver to dispose of property etc); and
 - (c) section 9 (construction with previous Acts).

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The Metropolitan Police (Receiver) Act 1867

- 4 Section 1 of the Metropolitan Police (Receiver) Act 1867 (accounts) shall cease to have effect.

The Metropolitan Police Act 1886

- 5 The following provisions of the Metropolitan Police Act 1886 shall cease to have effect—
- (a) section 2 (power of Receiver with respect to construction of buildings and purchase of land);
 - (b) section 4 (Receiver: purchase of land);
 - (c) section 6 (approval of Secretary of State for purchases and loans);
 - (d) section 7 (definition of “police receiver”).

The Riot (Damages) Act 1886

- 6 (1) The Riot (Damages) Act 1886 shall be amended as follows.
- (2) In section 9 (definitions) in the definition of the expression “compensation authority”—
- (a) paragraph (b) (the Receiver, in relation to the metropolitan police district) shall cease to have effect; and
 - (b) in paragraph (c) (the police authority in relation to any other police area) the word “other” shall cease to have effect.

The Metropolitan Police Act 1887

- 7 The Metropolitan Police Act 1887 shall cease to have effect.

The Metropolitan Police (Receiver) Act 1895

- 8 The Metropolitan Police (Receiver) Act 1895 shall cease to have effect.

The Metropolitan Police Courts Act 1897

- 9 The Metropolitan Police Courts Act 1897 shall cease to have effect.

The Police (Property) Act 1897

- 10 (1) Section 2 of the Police Property Act 1897 (regulations with respect to unclaimed property in possession of the police) shall be amended as follows.
- (2) In subsection (2B) (meaning of “the relevant authority”)—
- (a) in paragraph (a) (police areas in England and Wales, other than the metropolitan police district) the words “listed in Schedule 1 to the Police Act 1996 or the City of London police area”, and
 - (b) paragraph (b) (in relation to the metropolitan police district, the Receiver), shall cease to have effect.

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The Metropolitan Police Act 1899

- 11 Section 1 of the Metropolitan Police Act 1899 (which provides for the remuneration of the Commissioner of Police of the Metropolis) shall cease to have effect.

The Police Act 1909

- 12 In the Police Act 1909, section 1 (annual contribution towards expenses of metropolitan police force in respect of services rendered for imperial and national purposes) shall cease to have effect.

The Crown Lands Act 1936

- 13 (1) The Crown Lands Act 1936 shall be amended as follows.
- (2) In section 1 (transfer of lands to Commissioners of Works) the proviso to subsection (4) (which relates to payment in respect of lands transferred to the Receiver and is of no further utility) shall cease to have effect.
- (3) In section 3—
- (a) in subsection (1) (power of Commissioners of Works to erect buildings for certain purposes) the words “or offices for the metropolitan police”, and
- (b) subsection (2) (power to transfer land and buildings to the Receiver), shall cease to have effect.

The London Building Acts (Amendment) Act 1939

- 14 (1) Section 151 of the London Building Acts (Amendment) Act 1939 (Crown exemptions) shall be amended as follows.
- (2) In subsection (1) (which specifies the exemptions) paragraph (bb) (the Receiver) shall cease to have effect.

The Local Government Act 1948

- 15 Section 121 of the Local Government Act 1948 (provisions as to precepts of metropolitan police) shall cease to have effect.

The Metropolitan Magistrates' Courts Act 1959

- 16 (1) The Metropolitan Magistrates' Courts Act 1959 shall be amended as follows.
- (2) In section 4(2) (borrowing powers of Receiver), the words “, or of the metropolitan police force,” shall cease to have effect.

The Local Government (Records) Act 1962

- 17 (1) The Local Government (Records) Act 1962 shall be amended as follows.
- (2) In section 2 (acquisition and deposit of records) in subsection (6) (local authorities to which the section applies) after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.
- (3) In section 8 (interpretation) in the definition of “local authority” after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

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The Administration of Justice Act 1964

- 18 In section 38(1) of the Administration of Justice Act 1964 (interpretation) the definition of “the Receiver” shall cease to have effect.

The Local Government Act 1966

- 19 (1) Section 11 of the Local Government Act 1966 (grants for expenditure due to ethnic minority population) shall be amended as follows.
- (2) In subsection (2) (application to police authorities etc) after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority,”.

The Superannuation (Miscellaneous Provisions) Act 1967

- 20 (1) Section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs) shall be amended as set out in subparagraphs (2) to (6) below.
- (2) In subsection (1)(a) (definition of “member of the metropolitan civil staffs”) for subparagraph (i) there shall be substituted—
- “(i) who is employed by the Metropolitan Police Authority;”.
- (3) In subsection (2) (power of Secretary of State to grant certain pensions payable by the Receiver out of the Metropolitan Police Fund) for the words from the beginning to “in respect of members of the metropolitan civil staffs” in paragraph (b) there shall be substituted—
- “(2) As from the day on which section 310 of the Greater London Authority Act 1999 comes into force, the Metropolitan Police Authority shall have power to grant pensions or other benefits to or in respect of persons who on that day are, or thereafter become, members of the metropolitan civil staffs.
- (2A) The Metropolitan Police Authority may, to such extent and subject to such conditions as it thinks fit, authorise the exercise of the function of administering the grant of pensions and other benefits under this section by, or by employees of, any person.
- (2B) Where a person is authorised under subsection (2A) above to exercise the function of administering the grant of pensions and other benefits under this section, anything done or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the person who authorised him.
- (2C) Subsection (2B) above does not apply for the purposes of—
- (a) any criminal proceedings against the authorised person (or any employee of his); or
- (b) any contract between him and the person who authorised him, so far as relating to the function.
- (2D) Unless the powers conferred by section 7 of the Superannuation Act 1972, section 50 of the Justices of the Peace Act 1997, paragraph 36 of Schedule 14 to the Access to Justice Act 1999 or Part XII of the Greater London Authority Act 1999 are exercised for the purpose of making provision with respect to

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the provision of pensions for or in respect of members of the metropolitan civil staffs, the civil service provisions shall have effect (subject to any regulations for the time being in force under subsection (3) of this section) for the purposes of the grant of pensions and other benefits under this section to or in respect of such a member”.

- (4) In subsection (3)(b) (power by regulations to adapt civil service provisions) for “(2)(b)” there shall be substituted “(2D)”.
- (5) In subsection (6) (requirement to consult before making regulations) after “staffs” there shall be inserted “and with the Metropolitan Police Authority”.
- (6) In subsection (7) (continuation of payment of pre-existing pension entitlements by Receiver), for the words from “continue” to the end there shall be substituted “be paid by the Metropolitan Police Authority”.
- (7) Nothing in sub-paragraphs (2) to (5) above shall affect the application of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 in relation to any person falling within sub-paragraph (10) below.
- (8) A pension or other benefit granted or continued to be paid to or in respect of a person by virtue of sub-paragraph (7) above shall be granted or paid by the Metropolitan Police Authority, and accordingly section 15(2)(a) of the Superannuation (Miscellaneous Provisions) Act 1967 shall not apply in relation to such a person.
- (9) Section 15(2)(b) of the Superannuation (Miscellaneous Provisions) Act 1967 shall apply in relation to a person falling within sub-paragraph (10) below as if for the words from the beginning to “in respect of members of the metropolitan civil staffs” there were substituted—
 - “(b) unless the powers conferred by paragraph 36 of Schedule 14 to the Access to Justice Act 1999 or Part XII of the Greater London Authority Act 1999 are exercised for the purpose of making provision with respect to the provision of pensions for or in respect of members of the metropolitan civil staffs, the civil service provisions shall have effect (subject to any regulations for the time being in force under subsection (3) of this section) for the purposes of the grant of pensions and other benefits under this section to or in respect of such a member”.
- (10) A person falls within this sub-paragraph if he ceased to be a member of the metropolitan civil staffs for the purposes of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 before the day on which section 310 of this Act comes into force.

The Leasehold Reform Act 1967

- 21 (1) Section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes) shall be amended as follows.
- (2) In subsection (5) (bodies to which the section applies) in paragraph (a), after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

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The Firearms Act 1968

- 22 In section 57(4) of the Firearms Act 1968 (interpretation) in the definition of “civilian officer”, paragraph (b) and the word “or” immediately preceding it shall cease to have effect.

The Local Government Grants (Social Need) Act 1969

- 23 (1) The Local Government Grants (Social Need) Act 1969 shall be amended as follows.
- (2) In section 1 (provision for grants) in subsection (2) (meaning of “local authority” etc) after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.

The Pensions (Increase) Act 1971

- 24 (1) The Pensions (Increase) Act 1971 shall be amended as follows.
- (2) In Schedule 6 (employments relevant to section 13(2) of that Act) in paragraph (c) (employment, otherwise than as a constable, under the Receiver etc) for “Receiver for the metropolitan police district” there shall be substituted “Metropolitan Police Authority”.

The Local Government Act 1972

Members' interests in contracts etc

- 25 In section 98 of the Local Government Act 1972 (members' interests in contracts: interpretation of sections 95 to 97) in subsection (1A) (extended meaning of local authority) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

Meetings and proceedings

- 26 In section 99 of the Local Government Act 1972 (which applies Schedule 12 of that Act to meetings and proceedings of certain bodies) after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.

Discharge of functions

- 27 In section 107 of the Local Government Act 1972 (application of sections 101 to 103, 105 and 106 of that Act to police authorities) in subsection (1)(a) the words “other than the Secretary of State” shall cease to have effect.

Miscellaneous powers of local authorities

- 28 (1) Section 146A of the Local Government Act 1972 (which applies certain provisions of Part VII of that Act to police authorities etc) shall be amended as follows.
- (2) In subsection (1) (the basic rule) after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.
- (3) In subsection (1A) (exceptions for police authorities) after “section 3 of the Police Act 1996” there shall be inserted “nor the Metropolitan Police Authority”.

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- (4) In subsection (1B) (modifications of sections 140A and 140C in their application to police authorities) after “section 3 of the Police Act 1996” there shall be inserted “or the Metropolitan Police Authority”.
- (5) In subsection (1C) (special constable acting as such is not a voluntary assistant) after “section 3 of the Police Act 1996” there shall be inserted “or the Metropolitan Police Authority”.

Appearance in legal proceedings

- 29 In section 223 of the Local Government Act 1972 (appearance of local authorities in legal proceedings) in subsection (2) (which extends the meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.

Inspection of documents

- 30 In section 228 of the Local Government Act 1972 (inspection of documents) in subsection (7A) (application to minutes and accounts of police authorities) after “section 3 of the Police Act 1996” there shall be inserted “or the Metropolitan Police Authority”.

Photographic copies of documents

- 31 In section 229 of the Local Government Act 1972 (photographic copies of documents) in subsection (8) (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

Services of notices on local authorities

- 32 In section 231 of the Local Government Act 1972 (services of notices on local authorities) in subsection (4) (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

Public notices

- 33 In section 232 of the Local Government Act 1972 (public notices) in subsection (1A) (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

Service of notices by local authorities

- 34 In section 233 of the Local Government Act 1972 (service of notices by local authorities) in subsection (11) (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

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Authentication of documents

- 35 In section 234 of the Local Government Act 1972 (authentication of documents) in subsection (4) (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

Meetings and proceedings

- 36 (1) Schedule 12 to the Local Government Act 1972 (meetings and proceedings of local authorities) shall be amended as follows.
- (2) In paragraph 6A (application of paragraph 1 to police authorities etc) in subparagraph (1) after “section 3 of the Police Act 1996” there shall be inserted “or the Metropolitan Police Authority”.
- (3) In paragraph 6B (application of rest of Part I to police authorities etc) in paragraph (b), after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.
- (4) In paragraph 46 (extended meaning of “local authority”) after “section 3 of the Police Act 1996” there shall be inserted “and the Metropolitan Police Authority”.

The Employment Agencies Act 1973

- 37 In section 13(7) of the Employment Agencies Act 1973 (cases in which the Act is not to apply) after paragraph (f) there shall be inserted—
- “(fa) the exercise by the Metropolitan Police Authority of any of its functions;”.

The Local Government Act 1974

- 38 In section 1(6) of the Local Government Act 1974 (treatment of grants to Receiver etc for specific services)—
- (a) paragraph (a), and
- (b) the words “of the Receiver for the Metropolitan Police District or”,
- shall cease to have effect.

The House of Commons Disqualification Act 1975

- 39 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In Schedule 1, in Part III (other disqualifying offices) the entries relating to the following offices—
- (a) Commissioner or Assistant Commissioner of Police of the Metropolis,
- (b) officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and
- (c) Receiver for the Metropolitan Police District,
- shall cease to have effect.

The Northern Ireland Assembly Disqualification Act 1975

- 40 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

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

- (2) In Schedule 1, in Part III (other disqualifying offices) the entries relating to the following offices—
- (a) Commissioner or Assistant Commissioner of Police of the Metropolis,
 - (b) officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and
 - (c) Receiver for the Metropolitan Police District,
- shall cease to have effect.

The Local Government (Miscellaneous Provisions) Act 1976

- 41 (1) Part I of the Local Government (Miscellaneous Provisions) Act 1976 (general) shall be amended as follows.
- (2) In section 44(1), in the definition of “local authority”, in paragraph (a) (extended meaning in certain provisions) after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

The Local Government, Planning and Land Act 1980

Direct labour organisations

- 42 (1) Section 20 of the Local Government, Planning and Land Act 1980 (interpretation of provisions relating to direct labour organisations) shall be amended as follows.
- (2) In subsection (1), in paragraph (a) of the definition of “local authority”, in subparagraph (i), after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

Rate support grants

- 43 In section 54 of the Local Government, Planning and Land Act 1980 (aggregate amount of rate support grants) the following provisions (which relate to the Receiver) shall cease to have effect—
- (a) in subsection (1) (calculation of amount available for grants), the words “and the Receiver”;
 - (b) in subsection (7), paragraph (a) (certain grants to Receiver treated as local authority grants);
 - (c) in subsection (9) (definition of “relevant expenditure”) paragraph (b) and the word “plus” immediately preceding it;
 - (d) in subsection (10) (expenditure of Receiver etc met by grants) the words “of the Receiver or”;
 - (e) subsection (11) (definition of “the Receiver”).

Disposal of land held by public bodies

- 44 (1) In section 99 of the Local Government, Planning and Land Act 1980 (directions to dispose of land — supplementary) in subsection (4), after paragraph (dc) there shall be inserted—
- “(dcc) the Metropolitan Police Authority;”.

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

- (2) In Schedule 16 to the Local Government, Planning and Land Act 1980 (bodies to whom provisions of Part X relating to registration of land apply) after paragraph 5C there shall be inserted—

“5CC The Metropolitan Police Authority.”

The Local Government (Miscellaneous Provisions) Act 1982

- 45 (1) The Local Government (Miscellaneous Provisions) Act 1982 shall be amended as follows.
- (2) In section 33 (enforceability by local authorities of certain covenants relating to land) in subsection (9)(a), after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.
- (3) In section 41 (lost and uncollected property) in subsection (13) in the definition of “local authority”, after paragraph (ca) there shall be inserted—
“(caa) the Metropolitan Police Authority; and”.

The Aviation Security Act 1982

- 46 (1) The Aviation Security Act 1982 shall be amended as follows.
- (2) In section 26 (exercise of police functions at designated airports), subsection (4) (which makes provision for the application of the section in the case of the metropolitan police district) shall cease to have effect.
- (3) In section 29(2) (entitlement of traffic wardens to exercise functions at designated airports) in paragraph (a) the words from “(or,” to “metropolis)” shall cease to have effect.
- (4) In section 30(3) (transfers of officers and staff) in paragraph (c) the words from “or, if that area is the metropolitan” onwards shall cease to have effect.
- (5) In section 31(1) (interpretation) the definition of “members of the metropolitan civil staffs” shall cease to have effect.

The Insurance Companies Act 1982

- 47 (1) The Insurance Companies Act 1982 shall be amended as follows.
- (2) In Part I of Schedule 2 (classes of general business), in entry number 1, in the third column, the words “or section 2 of the Police (Insurance of Voluntary Assistants) Act 1997” shall cease to have effect.

The Road Traffic Regulation Act 1984

- 48 (1) Section 97 of the Road Traffic Regulation Act 1984 (supplementary provisions as to traffic wardens) shall be amended as follows.
- (2) In subsection (1) (application of regulations) the words “employed outside the metropolitan police district” shall cease to have effect.
- (3) Subsection (4) (wardens in the metropolitan police district) shall cease to have effect.

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

The County Courts Act 1984

- 49 In section 60 of the County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority) in subsection (3), in the definition of “local authority”, after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

The Rates Act 1984

- 50 In section 1 of the Rates Act 1984 (power to prescribe maximum rates and precepts) in subsection (4)(a), the words “or by the Receiver for the Metropolitan Police District” shall cease to have effect.

The Housing Act 1985

- 51 In section 4 of the Housing Act 1985 (interpretation) in paragraph (e) (definition of “local authority”), after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

The Housing Associations Act 1985

- 52 In section 106 of the Housing Associations Act 1985 (minor definitions) in subsection (1), in the definition of “local authority”, after “section 3 of the Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.

The Landlord and Tenant Act 1985

- 53 In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority”, after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

The Local Government Act 1986

Publicity etc

- 54 In section 6 of the Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality) in subsection (2)(a), after “section 3 of the Police Act 1996,” there shall be inserted—

“the Metropolitan Police Authority,”.

Transfer of local authority mortgages

- 55 In section 9 of the Local Government Act 1986 (interpretation of provisions relating to the transfer of mortgages) in subsection (1)(a), after “section 3 of the Police Act 1996,” there shall be inserted—

“the Metropolitan Police Authority,”.

The Local Government Act 1988

Competition

- 56 In section 1 of the Local Government Act 1988 (defined authorities for provisions on competition) in subsection (1), after paragraph (e) there shall be inserted—

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

“(eza) the Metropolitan Police Authority,”.

Public supply or works contracts

57 In Schedule 2 to the Local Government Act 1988 (which specifies the public authorities to which section 17 of that Act applies) after the entry relating to police authorities established under section 3 of the Police Act 1996 there shall be inserted—

“The Metropolitan Police Authority.”

The Local Government Finance Act 1988

58 In section 126 of the Local Government Finance Act 1988 (variation of multipliers in supplementary reports) subsection (5) (which relates to the Receiver) shall cease to have effect.

The Housing Act 1988

59 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies) in paragraph 12 (local authority tenancies, etc.) in sub-paragraph (2)(g), after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

The Road Traffic Act 1988

Police driving instructors

60 In section 124 of the Road Traffic Act 1988 (exemption of police instructors from prohibition imposed by section 123 of that Act) subsection (3) (modifications of subsection (2) in its application in relation to the metropolitan police force) shall cease to have effect.

Exceptions from requirement of third party insurance or security

61 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third party insurance or security) in subsection (2)(b) (exception for vehicles owned by police authority etc)—

(a) the words “or the Receiver for the Metropolitan Police District”, and

(b) the words “or employed by the Receiver”,

shall cease to have effect.

The Local Government and Housing Act 1989

Monitoring officers

62 In section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) in subsection (1) (duty to designate officer as monitoring officer) after “Police Act 1996” there shall be inserted “or the Metropolitan Police Authority”.

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

Members, officers, staff, committees etc

- 63 In section 21(1) of the Local Government and Housing Act 1989 (which defines local authority for the purposes of Part I in relation to England and Wales) in paragraph (g), after “Police Act 1996” there shall be inserted “, the Metropolitan Police Authority”.

Financial provisions

- 64 In section 157 of the Local Government and Housing Act 1989 (commutation of payments to local authorities) in subsection (6) (meaning of “local authority”) for paragraph (f) there shall be substituted—
 “(f) the Metropolitan Police Authority;”.

The Town and Country Planning Act 1990

Orders relating to highways

- 65 In section 252 of the Town and Country Planning Act 1990 (procedure for making of orders relating to highways) in subsection (12), in the definition of “local authority”, after “section 3 of the Police Act 1996,” there shall be inserted “the Metropolitan Police Authority,”.

General interpretation of “local authority”

- 66 In section 336(1) of the Town and Country Planning Act 1990 (general interpretation) in paragraph (a) of the definition of “local authority”—
 (a) the words “(except the Receiver for the Metropolitan Police District)” shall cease to have effect; and
 (b) at the end there shall be inserted “or the Metropolitan Police Authority”.

The War Crimes Act 1991

- 67 In section 2 of the War Crimes Act 1991 (expenses) in subsection (2)(a) (expenditure by Receiver on investigations by metropolitan police) for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.

The Value Added Tax Act 1994

- 68 In section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases) in subsection (3) (which specifies the bodies to which the section applies) in paragraph (f), the words “and the Receiver for the Metropolitan Police District” shall cease to have effect.

The Police Act 1996

Police areas

- 69 In section 1 of the Police Act 1996 (police areas) in subsection (3) (references to local government areas) the words “but excluding any part of it within the metropolitan police district” shall cease to have effect.

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

Local policing objectives

- 70 In section 7 of the Police Act 1996 (annual determination of objectives for the policing of an authority's area) after subsection (3) there shall be inserted—
- “(4) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3, but taking the reference to the chief constable for the area as a reference to the Commissioner of Police of the Metropolis.”

Local policing plans

- 71 In section 8 of the Police Act 1996 (annual issue of proposed arrangements for the policing of an authority's area) after subsection (5) there shall be inserted—
- “(6) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3, but taking the references to the chief constable for the area as references to the Commissioner of Police of the Metropolis.”

Annual report

- 72 In section 9 of the Police Act 1996 (annual reports relating to the policing of an authority's area) after subsection (3) there shall be inserted—
- “(4) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3.”

Police fund

- 73 In section 14 of the Police Act 1996 (requirement that each police authority keep a police fund) after subsection (3) there shall be inserted—
- “(4) This section shall apply in relation to the Metropolitan Police Authority as it applies in relation to a police authority established under section 3.”

Civilian employees

- 74 (1) Section 15 of the Police Act 1996 (employment of civilian employees by police authorities established under section 3) shall be amended as follows.
- (2) In subsection (2) (persons so employed to be under control of chief constable) for “chief constable” there shall be substituted “chief officer of police”.
- (3) In subsection (3) (disapplication of subsection (2) in case of agreement between chief constable and authority etc) for “chief constable” there shall be substituted “chief officer”.
- (4) After subsection (4) there shall be inserted—
- “(5) This section shall apply in relation to the Metropolitan Police Authority as it applies in relation to a police authority established under section 3.”

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

Appointment of clerk

- 75 (1) Section 16 of the Police Act 1996 (appointment of clerk by each police authority) shall be amended as follows.
- (2) At the beginning there shall be inserted “(1)”.
- (3) After the subsection (1) so formed, there shall be inserted the following subsection—
- “(2) The Metropolitan Police Authority shall appoint a person to be the clerk to the Metropolitan Police Authority.”

Appointment of persons not employed by police authorities

- 76 (1) Section 17 of the Police Act 1996 (appointment of persons not employed by police authorities) shall be amended as follows.
- (2) At the beginning there shall be inserted “(1)”.
- (3) After the subsection (1) so formed, there shall be inserted the following subsection—
- “(2) This section shall apply to the Metropolitan Police Authority as it applies to a police authority established under section 3.”

Supply of goods and services

- 77 In section 18 of the Police Act 1996 (application of certain provisions of the Local Authorities (Goods and Services) Act 1970 to police authorities established under section 3) after “section 3” there shall be inserted “and to the Metropolitan Police Authority”.

Questions to the Metropolitan Police Authority

- 78 In subsection (1) of section 20 of the Police Act 1996 (questioning of members of police authorities at council meetings) after “police authority” there shall be inserted “established under section 3” and after that section there shall be inserted—

“20A Questions on metropolitan police matters at London Assembly meetings

- (1) The London Assembly shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of the Metropolitan Police Authority to be put by members of the Assembly at a meeting of the Assembly for answer by a person nominated by the Metropolitan Police Authority for that purpose.
- (2) On being given reasonable notice by the London Assembly of a meeting of the Assembly at which questions on the discharge of the Metropolitan Police Authority’s functions are to be put, the Metropolitan Police Authority shall nominate one or more of its members to attend the meeting to answer those questions.”

Report by the Commissioner of Police of the Metropolis

- 79 (1) Section 22 of the Police Act 1996 (reports by chief constables etc to police authorities) shall be amended as follows.

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

- (2) In subsection (1), for “chief constable” there shall be substituted “chief officer of police of a police force”.
- (3) In subsection (2), for “chief constable” there shall be substituted “chief officer”.
- (4) In subsection (3), for “chief constable” there shall be substituted “chief officer of police”.
- (5) In subsections (5) and (6), for “chief constable” there shall be substituted “chief officer”.
- (6) Subsection (7) (which applies the section to the City of London police force and which becomes unnecessary in consequence of the amendments made by the preceding provisions of this paragraph) shall be omitted.

Special police services

- 80 In section 25 of the Police Act 1996 (provision of special police services, subject to payment to police authorities) subsection (2) (which modifies the section in its application to the metropolitan police force) shall cease to have effect.

Advice and assistance to international organisations

- 81 In section 26 of the Police Act 1996 (provision by police authorities of advice and assistance to international organisations) subsection (7) (which modifies the section in its application to the metropolitan police force) shall cease to have effect.

Police cadets

- 82 In section 28 of the Police Act 1996 (appointment of police cadets) subsection (4) (which modifies the section in its application to the metropolitan police force) shall cease to have effect.

Attestation of constable

- 83 In section 29 of the Police Act 1996 (attestation of constables)—
- (a) paragraph (a) (attestation before Commissioner or Assistant Commissioner in case of member of metropolitan police force etc), and
 - (b) in paragraph (b) (any other case) the words “in any other case,”
- shall cease to have effect.

Alteration of police areas

- 84 (1) Section 32 of the Police Act 1996 (power of Secretary of State to make alterations in police areas by order) shall be amended as follows.
- (2) In subsection (3)(a) (which restricts the power of the Secretary of State to make alterations unless he has received a request from the police authorities whose areas are affected) the words “(other than the metropolitan police district)” shall cease to have effect.
 - (3) Subsection (5) (which disapplies subsection (4) to the extent that it prevents the Secretary of State making an order maintaining the boundary of the metropolitan

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

police district as it existed immediately before 1st April 1995) shall cease to have effect.

Objections to proposed alterations in police areas

- 85 (1) Section 33 of the Police Act 1996 (objections to alterations in police areas proposed by the Secretary of State) shall be amended as follows.
- (2) In subsection (1)(a) the words “(other than the metropolitan police district)” shall cease to have effect.
- (3) In subsection (1), after paragraph (b) there shall be inserted—
“ (bb) the Greater London Authority, if he proposes to alter the metropolitan police district,”.

Objectives for police authorities

- 86 (1) Section 37 of the Police Act 1996 (setting of objectives for police authorities) shall be amended as follows.
- (2) In subsection (1) (determination of objectives for all police authorities established under section 3) for “established under section 3” there shall be substituted “to which this section applies”.
- (3) After subsection (1), there shall be inserted—
“(1A) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.”
- (4) In subsection (2) (consultation)—
(a) in paragraph (a), for “established under section 3” there shall be substituted “to which this section applies”; and
(b) in paragraph (b), for “chief constables” there shall be substituted “chief officers of police”.

Setting of performance targets

- 87 In section 38 of the Police Act 1996 (setting of performance targets for police authorities by the Secretary of State) in subsection (2), for “established under section 3” there shall be substituted “to which section 37 applies”.

Codes of practice

- 88 In section 39(1) of the Police Act 1996 (issuing of codes of practice by the Secretary of State relating to the discharge of functions by police authorities established under section 3) after “section 3” there shall be inserted “and the Metropolitan Police Authority”.

Power of Secretary of State to require inspection

- 89 In section 40(1) of the Police Act 1996 (power of Secretary of State to require an inspection of a police force maintained under section 2) after “police force maintained under section 2” there shall be inserted “or of the metropolitan police force”.

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

Removal of Commissioners or Commanders

- 90 In section 42 of the Police Act 1996 (power of the Secretary of State to require a police authority to exercise its power to call upon the chief constable to retire) after subsection (4) there shall be inserted—

“(5) This section shall apply to the power of the Metropolitan Police Authority under section 9E to call upon—

- (a) the Commissioner of Police of the Metropolis,
- (b) the Deputy Commissioner of Police of the Metropolis,
- (c) an Assistant Commissioner of Police of the Metropolis, or
- (d) a Commander in the metropolitan police force,

to retire in the interests of efficiency or effectiveness as it applies to the power of a police authority under section 11.”

Reports from the Commissioner of Police of the Metropolis

- 91 (1) Section 44 of the Police Act 1996 (power of Secretary of State to require chief constable to submit a report) shall be amended as follows.
- (2) In subsection (1), for the words “chief constable” and “chief constable's” there shall be substituted respectively “chief officer of police of any police force” and “chief officer's”.
- (3) In subsection (3), for “chief constable” there shall be substituted “chief officer”.
- (4) In subsection (4), for “Every chief constable” there shall be substituted “The chief officer of police of every police force”.
- (5) Subsection (5) (which applies the section to the City of London police force and which becomes unnecessary in consequence of the amendments made by the preceding provisions of this paragraph) shall be omitted.

Grants by the Secretary of State

- 92 (1) Section 46 of the Police Act 1996 (duty of Secretary of State to make grants for police purposes) shall be amended as follows.
- (2) In subsection (1)(b), for “Receiver for the Metropolitan Police District” there shall be substituted “Greater London Authority”.
- (3) In subsection (1), in the words following paragraph (b), for “Receiver” there shall be substituted “Greater London Authority”.
- (4) After subsection (7) there shall be inserted—
- “(7A) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.”
- (5) After subsection (8) (repayment where police authority's grant is less than that paid to it for the year) there shall be inserted—

“(9) Where the Greater London Authority is required to pay a sum under subsection (8) above, the Mayor of London may direct the Metropolitan

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

Police Authority to pay an amount not exceeding that sum to the Greater London Authority on such day as he may specify in the direction.”

Grants for capital expenditure

- 93 (1) Section 47 of the Police Act 1996 (power of the Secretary of State to make grants in respect of capital expenditure incurred for police purposes) shall be amended as follows.
- (2) In subsection (1)(b), for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- (3) After subsection (3) there shall be inserted—
- “(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.”

Grants for expenditure concerning safeguarding national security

- 94 (1) Section 48 of the Police Act 1996 (power of Secretary of State to make grants in respect of expenditure in connection with safeguarding national security) shall be amended as follows.
- (2) In subsection (1)(b), for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- (3) After subsection (3) there shall be inserted—
- “(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.”

Disciplinary proceedings relating to senior officers

- 95 In section 50(3)(b) of the Police Act 1996 (regulations about disciplinary procedures involving senior members of police forces) for sub-paragraphs (i) and (ii) there shall be substituted the words “by the police authority which maintains the force or by a committee of that authority.”

Copies of reports

- 96 In section 55 of the Police Act 1996 (Secretary of State to arrange for publication and copies of reports by inspectors of constabulary) in subsections (3)(a) and (6), the words “(except where he is himself the police authority)” shall cease to have effect.

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

The appropriate authority for complaints etc about metropolitan police

- 97 (1) Section 65 of the Police Act 1996 (interpretation of Chapter I of Part IV, which relates to complaints and disciplinary proceedings) shall be amended as follows.
- (2) In the definition of “the appropriate authority”—
- (a) paragraph (a) (which defines the appropriate authority in relation to the metropolitan police force as the Commissioner of Police of the Metropolis), and
 - (b) the word “other” in paragraph (b),
- shall cease to have effect.
- (3) In the definition of “investigating officer” after “means” there shall be inserted “a person (whether a member of a police force or not) appointed under section 68(2B) or”.

Investigation of complaints

- 98 (1) Section 68 of the Police Act 1996 (investigation of complaints against senior officers) shall be amended as follows.
- (2) After subsection (2) (conduct not justifying criminal or disciplinary proceedings may be dealt with at authority’s discretion) there shall be inserted—
- “(2A) In any other case, subsection (2B) or (3) shall apply.
- (2B) If the complaint is about the conduct of the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis—
- (a) the appropriate authority shall notify the Secretary of State; and
 - (b) the Secretary of State shall appoint a person to investigate the complaint.”
- (3) In subsection (4) (request by appropriate authority to chief officer to provide investigating officer) for “the appropriate authority” there shall be substituted the following paragraphs—
- “(a) in a case where subsection (2B) applies, the Secretary of State, or
 - (b) in a case where subsection (3) applies, the appropriate authority,”
- and after “for appointment under subsection” there shall be inserted “(2B) or”.

Supervision of investigations by Police Complaints Authority

- 99 (1) Section 72 of the Police Act 1996 (supervision of investigations by Police Complaints Authority) shall be amended as follows.
- (2) In subsection (3) (powers with respect to appointments under section 68(3) etc) in paragraph (a), for “section 68(3)” there shall be substituted “section 68(2B) or (3)”.
- (3) After subsection (3) there shall be inserted—
- “(3A) In the application of subsection (3) in relation to appointment under section 68(2B)—
- (a) any reference to the appropriate authority shall be taken as a reference to the Secretary of State; and

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

- (b) the reference in paragraph (b)(i) to another member of a police force shall be taken as a reference to another person.”

Grants by local authorities

- 100 In section 92 of the Police Act 1996 (grants by local authorities) in subsection (2) (grants for police purposes to the Receiver) for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”

Acceptance of gifts and loans

- 101 In section 93 of the Police Act 1996 (acceptance of gifts and loans) subsection (3) (which modifies the section in its application to the metropolitan police force) shall cease to have effect.

Metropolitan police fund etc

- 102 (1) Section 95 of the Police Act 1996 (which provides for expenditure on special constables and police cadets to be paid out of the metropolitan police fund and which, so far as relating to that fund, is unnecessary in view of the amendment made to section 14) shall be amended as follows.
- (2) The following words shall cease to have effect—
- (a) “the metropolitan police fund and”;
 - (b) “respectively (subject, in the case of the metropolitan police fund, to the approval of the Secretary of State)”;
 - (c) in paragraph (a), “the metropolitan police district or”;
 - (d) in paragraph (b), “the metropolitan police force or”.
- (3) The sidenote to the section accordingly becomes “The City of London police fund.”

Obtaining community views on policing

- 103 (1) Section 96 of the Police Act 1996 (arrangements to be made for each police area for obtaining the views of the community about policing) shall be amended as follows.
- (2) In subsection (2)—
- (a) for “subsections (3) to (6)” there shall be substituted “subsection (6)”;
 - (b) after “chief constable” there shall be inserted “or, in the case of the metropolitan police district, the Commissioner of Police of the Metropolis,”.
- (3) Subsections (3) to (5) (which make provision about consultation about arrangements for the metropolitan police district) shall cease to have effect.

National and international functions of metropolitan police

- 104 After section 96 of the Police Act 1996 there shall be inserted—

“96A National and international functions of the metropolitan police

- (1) The Secretary of State and the Metropolitan Police Authority may enter into agreements with respect to the level of performance to be achieved by the

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

metropolitan police force in respect of any of its national or international functions.

- (2) If the Secretary of State is of the opinion that the metropolitan police force is not performing any or all of its national or international functions—
 - (a) to the standard specified in any agreement in force under subsection (1), or
 - (b) if no agreement is in force under that subsection in relation to the function or functions in question, to a standard which the Secretary of State considers to be satisfactory,he may direct the Metropolitan Police Authority to take such measures as may be specified in the direction.
- (3) The Metropolitan Police Authority shall comply with any directions given under subsection (2).
- (4) For the purposes of this section “national or international functions” means functions relating to—
 - (a) the protection of prominent persons or their residences,
 - (b) national security,
 - (c) counter-terrorism, or
 - (d) the provision of services for any other national or international purpose.

96B National and international functions: application of requirements relating to reports etc

- (1) In its application to the Metropolitan Police Authority, section 6 shall have effect as if the reference in subsection (1) to securing the maintenance of an efficient and effective police force for the metropolitan police district included a reference to securing that that force discharges its national or international functions efficiently and effectively.
- (2) In its application to the Metropolitan Police Authority, section 7(1) shall have effect as if the reference to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions.
- (3) In its application to the Metropolitan Police Authority, section 8 shall have effect as if—
 - (a) the reference in subsection (1) to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions, and
 - (b) the reference in subsection (2)(c) to any performance targets established by the Authority excluded any standards of performance established by it in pursuance of an agreement under subsection (1) of section 96A or a direction under subsection (2) of that section.
- (4) In its application to the Metropolitan Police Authority, section 9(1) shall have effect as if the reference to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions.

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

- (5) In their application to the metropolitan police force, sections 22 and 44 shall have effect as if references to policing the metropolitan police district included references to the discharge by the metropolitan police force of its national or international functions.
- (6) Section 95(1) and (3) of the Greater London Authority Act 1999 (minimum budget for Metropolitan Police Authority) shall have effect as if the references to restoring or maintaining an efficient and effective police force for the metropolitan police district included references to securing that that force discharges its national or international functions efficiently and effectively.
- (7) Subsection (4) of section 96A shall apply for the purposes of this section as it applies for the purposes of that section.”

Schedule 2

- 105 (1) Schedule 2 to the Police Act 1996 (provision relating to police authorities established under section 3) shall be amended as follows.
- (2) Paragraph 4(2) (which refers to persons disqualified under paragraph 12) shall cease to have effect.
 - (3) Paragraph 12 (which disqualifies a member of a relevant council for being appointed as a member of a police authority if he was elected for an electoral division or ward wholly within the metropolitan police district) shall cease to have effect.
 - (4) In paragraph 26 (meaning of “relevant council”)—
 - (a) in sub-paragraph (1)(a), for “county borough or London borough” there shall be substituted “or county borough”; and
 - (b) sub-paragraph (2) (areas partly within the metropolitan police district) shall cease to have effect.

Schedule 3

- 106 (1) Schedule 3 to the Police Act 1996 (which makes provision about the selection of independent members of police authorities) shall be amended as follows.
- (2) In paragraph 1(1) (selection panel for each police area) after “There shall be a selection panel” there shall be inserted “(a)” and at the end there shall be added “; and
 - (b) for the police area constituted by the metropolitan police district.”
 - (3) In paragraph 1(4) (which defines a “designated member” as one appointed under paragraph 2 or 8 of Schedule 2) there shall be added at the end “or paragraph 2 or 5 of Schedule 2A”.
 - (4) In paragraph 2 (disqualification from panel if disqualified by virtue of certain provisions of Schedule 2 from being a member under paragraph 5 of that Schedule)—
 - (a) after “Schedule 2” there shall be inserted “or paragraph 7, 8 or 9(1)(b) or (f) to (h) of Schedule 2A”; and
 - (b) in paragraph (a), for “paragraph 5 of that Schedule” there shall be substituted “paragraph 5 of Schedule 2 or paragraph 3(2) or (3) of Schedule 2A”.

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- (5) In paragraph 3(1) (term of appointment of member of panel), after “panel” there shall be inserted “for a police area listed in Schedule 1”.
- (6) After paragraph 3(1) there shall be inserted—
- “(1A) A person shall be appointed to hold office as a member of a selection panel for the police area constituted by the metropolitan police district for a term of two years.”
- (7) In paragraph 8 (panel to nominate persons for appointment under paragraph 5 of Schedule 2)—
- (a) in sub-paragraph (1), after “paragraph 5 of Schedule 2” there shall be inserted “or paragraph 3(3) of Schedule 2A”; and
- (b) in sub-paragraph (2), after “paragraph 5 of Schedule 2” there shall be inserted “or paragraph 3(3) of Schedule 2A (as the case may be)”.
- (8) In paragraph 9 (person not to be nominated in relation to an authority if disqualified by virtue of certain provisions of Schedule 2 for membership under paragraph 5 of that Schedule) after “in relation to an authority” there shall be inserted “(a)” and at the end there shall be added “; or
- (b) if, by virtue of paragraph 7, 8 or 9 of Schedule 2A, he is disqualified for being appointed as a member of the authority under paragraph 3(3) of that Schedule”.
- (9) In paragraph 13(1) (which refers to the number of vacancies to be filled under paragraph 5 of Schedule 2) after “paragraph 5 of Schedule 2” there shall be inserted “or paragraph 3(3) of Schedule 2A (as the case may be)”.

Schedule 6

- 107 (1) Schedule 6 to the Police Act 1996 (appeals to police appeals tribunals) shall be amended as follows.
- (2) In paragraph 2 (membership of panel for officers who are not senior officers) in paragraph (1)(b) the words from “or” onwards (which relate to the case where the Secretary of State is the police authority) shall cease to have effect.

The Justices of the Peace Act 1997

- 108 (1) The Justices of the Peace Act 1997 shall be amended as follows.
- (2) In section 66 (disqualification in certain cases of justices who are members of local authorities) in subsection (7) (which defines “local authority”) after paragraph (b) there shall be inserted—
- “(bza) the Metropolitan Police Authority;”.

The Police (Insurance of Voluntary Assistants) Act 1997

- 109 (1) The Police (Insurance of Voluntary Assistants) Act 1997 shall be amended as follows.
- (2) Section 2 (which makes, in relation to the metropolitan police force and the Receiver, provision corresponding to that made by section 1 in relation to other police authorities and which, in consequence of this Act, is no longer necessary) shall cease to have effect.

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The Police Act 1997

- 110 (1) Section 17 of the Police Act 1997 (power of NCIS service authority to issue levies) shall be amended as follows.
- (2) In subsection (1) (which specifies the bodies to which levies may be issued) in paragraph (b), for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- (3) In subsection (4) (provision that may be made in orders) in paragraph (b) (anticipation of levies in making certain calculations)—
- (a) for “Receiver for the Metropolitan Police District” there shall be substituted “Greater London Authority”; and
- (b) after “section 43 of the Local Government Finance Act 1992” there shall be inserted “or sections 85 and 86 of the Greater London Authority Act 1999”.
- 111 (1) Section 62 of the Police Act 1997 (power of NCS service authority to issue levies) shall be amended as follows.
- (2) In subsection (1) (which specifies the bodies to which levies may be issued) in paragraph (b), for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- (3) In subsection (4) (provision that may be made in orders) in paragraph (b) (anticipation of levies in making certain calculations)—
- (a) for “Receiver for the Metropolitan Police District” there shall be substituted “Greater London Authority”; and
- (b) after “section 43 of the Local Government Finance Act 1992” there shall be inserted “or sections 85 and 86 of the Greater London Authority Act 1999”.
- 112 In section 119 of the Police Act 1997 (sources of information) in subsection (3) (payment to appropriate police authority) the words “or, in the case of the metropolitan police force, the Receiver for the Metropolitan Police District,” shall cease to have effect.
- 113 (1) Schedule 1 to the Police Act 1997 (appointment of members of the NCS and NCIS Service Authorities) shall be amended as follows.
- (2) In paragraph 4 (appointment of core members by local authority members of police authorities)—
- (a) at the beginning there shall be inserted “(1)”, and
- (b) for “Three” there shall be substituted “Four”.
- (3) After the sub-paragraph formed by sub-paragraph (2)(a) above there shall be inserted—
- “(2) Those local authority members shall exercise their powers under sub-paragraph (1) so as to ensure that one of the members appointed by them is a local authority member of the Metropolitan Police Authority.”
- (4) The following provisions—
- (a) paragraph 5 (appointment by Secretary of State in his capacity as police authority for metropolitan police district),
- (b) paragraph 8(4) (Secretary of State prohibited from appointing additional member of NCIS Service Authority to represent him in that capacity), and

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- (c) paragraph 10(4) (corresponding prohibition in respect of appointment of additional member of NCS Service Authority), shall cease to have effect.
- (5) In paragraph 14(a) (meaning of “local authority members of police authorities”) for “to the Police Act 1996 (local authority members)” there shall be substituted “or paragraph 2 of Schedule 2A to the Police Act 1996 (local authority members and London Assembly members of the Metropolitan Police Authority)”.
- (6) In paragraph 16 (which makes provision for the application of Schedule in the case of the Commissioner and Assistant Commissioners of Police of the Metropolis and the Commissioner of Police for the City of London) for the words from “the Commissioner and” onwards there shall be substituted “the Commissioner of Police for the City of London shall be treated as if he were a member of the City of London police force.”
- 114 (1) Schedule 3 to the Police Act 1997 (levies issued by the NCIS Service Authority) shall be amended as follows.
- (2) In paragraph 1(6) (meaning of “police authority members”) paragraph (b) and the word “or” preceding it shall cease to have effect.
- (3) In each of the following provisions (persons to whom documents are to be sent)—
- (a) paragraph 2(4)(b),
 - (b) paragraph 3(6)(b), and
 - (c) paragraph 4(1)(c),
- for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- 115 (1) Schedule 5 to the Police Act 1997 (levies issued by the NCS Service Authority) shall be amended as follows.
- (2) In paragraph 1(6) (meaning of “police authority members”) paragraph (b) and the word “or” preceding it shall cease to have effect.
- (3) In each of the following provisions (persons to whom documents are to be sent)—
- (a) paragraph 2(4)(b),
 - (b) paragraph 3(6)(b), and
 - (c) paragraph 4(1)(c),
- for “Receiver for the Metropolitan Police District” there shall be substituted “Metropolitan Police Authority”.
- The Local Government (Contracts) Act 1997*
- 116 In section 1(3) of the Local Government (Contracts) Act 1997 (local authorities for the purposes of the Act) at the end of paragraph (b) there shall be inserted “and” and paragraph (c) (the Receiver) shall cease to have effect.

SCHEDULE 28

Section 328.

THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

Membership

- 1 (1) The Fire etc Authority shall consist of seventeen members, of whom—
- (a) nine (“the Assembly representatives”) shall be Assembly members appointed by the Mayor; and
 - (b) the remainder (“the borough representatives”) shall be members of London borough councils appointed by the Mayor on the nomination of the London borough councils acting jointly.
- (2) The Mayor shall exercise his power to appoint members under sub-paragraph (1)(a) above so as to ensure that, so far as practicable, the members for whose appointment he is responsible reflect the balance of parties for the time being prevailing among the members of the Assembly.
- (3) The London borough councils shall exercise their power to nominate members under sub-paragraph (1)(b) above so as to ensure that, so far as practicable, the members for whose nomination they are responsible reflect the balance of parties for the time being prevailing among the members of those councils taken as a whole.
- (4) It shall be the duty of the London borough councils to nominate the first members under sub-paragraph (1)(b) above in sufficient time before the reconstitution day so that the appointment of those members takes effect on that day.
- (5) The Secretary of State may by order vary any of the numbers for the time being specified in sub-paragraph (1) above, but the number of the Assembly representatives must exceed by one the number of the borough representatives.
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
- (a) the Mayor;
 - (b) the Assembly;
 - (c) the Fire etc Authority; and
 - (d) every London borough council.

Tenure of office

- 2 (1) A member of the Fire etc Authority shall hold office for the period of one year or such shorter period as the Mayor may decide.
- (2) The Mayor may renew the appointment of a member, except that he may not renew the appointment of a borough representative if, not less than one month before the end of the borough representative’s term of office, the London borough councils have notified the Mayor of their nomination in accordance with paragraph 1 above of another person to succeed that borough representative.
- (3) The Mayor may at any time, by giving notice to a member of the Fire etc Authority, terminate the member’s appointment, if he is satisfied that the member is unable or unfit for any reason to discharge his functions as a member.

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- (4) A member may at any time resign his office by notice delivered to the proper officer of the Fire etc Authority, and the resignation shall take effect upon receipt of the notice by that officer.
- (5) A person who ceases to be a member of the Fire etc Authority shall be eligible for re-appointment.

Chairman and vice-chairman

- 3 (1) The Mayor shall in each year appoint a chairman from among the members of the Fire etc Authority.
- (2) On a casual vacancy occurring in that office, the Mayor shall as soon as reasonably practicable appoint one of the members of the Fire etc Authority to fill the vacancy.
- (3) The Fire etc Authority shall in each year appoint a vice-chairman from among its members.
- (4) The appointment under sub-paragraph (3) above shall be the first business transacted at the annual meeting of the Fire etc Authority.
- (5) The Fire etc Authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the Fire etc Authority thinks reasonable.
- (6) If the chairman or vice-chairman ceases to be a member of the Fire etc Authority he shall also cease to be chairman or vice-chairman.

Allowances not to be paid to members who are also Assembly members

- 4 (1) The allowances specified in sub-paragraph (2) below shall not be paid to members of the Fire etc Authority who are also members of the Assembly.
- (2) The allowances are—
 - (a) allowances under section 175 of the Local Government Act 1972 (allowances for attending conferences and meetings) other than an allowance for travelling and subsistence; and
 - (b) allowances under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances).

Disqualification

- 5 (1) A person shall be disqualified from being appointed or being a member of the Fire etc Authority if he holds any paid office or employment (other than the office of vice-chairman of the Fire etc Authority) appointments to which may be made or confirmed—
 - (a) by the Fire etc Authority or any committee or sub-committee of the Fire etc Authority; or
 - (b) by a joint committee on which the Fire etc Authority is represented; or
 - (c) by any person holding any such office or employment.
- (2) An employee of the Fire etc Authority who is employed under the direction of a joint committee—
 - (a) on which the Fire etc Authority is represented, and

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(b) any member of which is appointed on the nomination of a joint authority or a local authority,

shall be disqualified from being appointed or being a member of that other joint authority or from being elected or being a member of that local authority, as the case may be.

(3) In sub-paragraph (2) above, “local authority” includes the Authority and, in relation to the Authority, “member” means Mayor or Assembly member.

Failure to attend meetings

6 Section 6 of this Act shall apply in relation to the Fire etc Authority as it applies in relation to the Assembly.

Loss of a member’s qualifying office

7 (1) Where—

- (a) an Assembly representative ceases to be an Assembly member, or
- (b) a borough representative ceases to be a member of a London borough council,

his appointment as a member of the Fire etc Authority shall also cease.

(2) Where a person ceases to be a member of the Fire etc Authority by virtue of sub-paragraph (1) above, the Assembly or, as the case may be, the London borough council concerned shall as soon as practicable give notice of that fact to the Fire etc Authority.

(3) For the purposes of the preceding provisions of this paragraph, a person shall not be regarded—

- (a) as ceasing to be an Assembly member where the cessation occurs by virtue only of the expiration of his term of office as an Assembly member, or
- (b) as ceasing to be a member of a London borough council where he retires by virtue of paragraph 6(3) of Schedule 2 to the Local Government Act 1972 (retirement of London borough councillors),

if he is re-elected as such a member not later than the day of the cessation or retirement.

Filling of vacancies

8 (1) Where an Assembly representative ceases to be a member of the Fire etc Authority, the Mayor shall, as soon as reasonably practicable after the occurrence of the vacancy, exercise his power under paragraph 1(1)(a) above to fill the vacancy.

(2) Where a borough representative ceases to be a member of the Fire etc Authority, the London borough councils shall, not later than one month after the occurrence of the vacancy, exercise their power under paragraph 1(1)(b) above to nominate to the Mayor another member of a London borough council to fill the vacancy.

(3) Section 243(1) of the Local Government Act 1972 (which provides for things falling to be done on Sundays, public holidays etc to be done on the first subsequent working day) shall apply to sub-paragraph (2) above.

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Term of office of person appointed to fill a vacancy

- 9 Where—
- (a) a person ceases to be a member of the Fire etc Authority otherwise than by virtue of the expiration of his term of office, and
 - (b) another person is appointed in his place,
- the term of office of the person so appointed shall be the unexpired residue of the term of office for which the person ceasing to be a member was appointed.

Meetings and proceedings

- 10 (1) Paragraph 1 of Schedule 12 to the Local Government Act 1972 (annual meeting of principal council) shall apply in relation to the Fire etc Authority as it applies in relation to a principal council, except that the annual meeting shall be held on such day between 1st March and 30th June (both inclusive) as the Fire etc Authority may fix.
- (2) Paragraphs 2 to 5 of that Schedule shall apply in relation to the Fire etc Authority as they apply in relation to a principal council, except that the number of persons mentioned in paragraph 3(2) shall be three.
- (3) No business shall be transacted at a meeting of the Fire etc Authority unless at least five members are present, of whom—
- (a) at least one is an Assembly representative; and
 - (b) at least one is a borough representative.
- (4) Part VI of that Schedule (provisions relating to local authorities generally) shall apply in relation to the Fire etc Authority as it applies in relation to a joint authority established by Part IV of the Local Government Act 1985.

The first meeting of the reconstituted Fire etc Authority

- 11 (1) The first meeting of the Fire etc Authority after the reconstitution day shall be held as soon as reasonably practicable after that day.
- (2) The meeting shall be convened, and held at a place appointed by, the chief officer of the London Fire Brigade.

Validity of acts done by unqualified persons

- 12 The acts and proceedings of any person appointed to an office under this Schedule and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Application of this Schedule in relation to the Common Council

- 13 The Common Council of the City of London shall be treated for the purposes of this Schedule as if it were a London borough council.

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SCHEDULE 29

Section 328.

AMENDMENTS RELATING TO THE FIRE ETC AUTHORITY

PART I

PUBLIC GENERAL ACTS

THE LANDLORD AND TENANT ACT 1954

Local authority

- 1 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation) in the definition of “local authority” after “the Broads Authority” there shall be inserted “, the London Fire and Emergency Planning Authority”.

THE LOCAL GOVERNMENT (RECORDS) ACT 1962

Acquisition and deposit of records

- 2 In section 2 of the Local Government (Records) Act 1962 (acquisition and deposit of records) in subsection (6) (authorities to which subsections (1) and (2) apply) after “the Common Council of the City of London,” there shall be inserted “to the London Fire and Emergency Planning Authority,”.

Local authority

- 3 In section 8(1) of the Local Government (Records) Act 1962 (interpretation) in the definition of “local authority”, after “the Common Council of the City of London,” there shall be inserted “the London Fire and Emergency Planning Authority,”.

THE LONDON GOVERNMENT ACT 1963

Delegation of functions in Greater London

- 4 In section 5 of the London Government Act 1963 (delegation of functions in Greater London) in subsection (3) (agreements with local authorities whose areas are contiguous to Greater London etc) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

Compensation for injury to, or death of, officers

- 5 In section 75 of the London Government Act 1963 (compensation for injury to, or death of, officers) in subsection (4) (application of section to the bodies there specified) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

Music and dancing licences

- 6 In Schedule 12 to the London Government Act 1963 (licensing of public events) in paragraph 2(1) (which was substituted by section 20 of the London Local Authorities Act 1996 and requires a copy of an application for the grant etc of a

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public dancing or music etc licence to be sent to the London Fire and Civil Defence Authority) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

THE LOCAL GOVERNMENT ACT 1966

Grants for expenditure due to ethnic minority population

- 7 In section 11 of the Local Government Act 1966 (grants for expenditure due to ethnic minority population) in subsection (2) (application of section to the bodies there specified) after “shall apply to” there shall be inserted “the London Fire and Emergency Planning Authority”.

THE LEASEHOLD REFORM ACT 1967

Land required for public purposes

- 8 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes) in subsection (5) (bodies to which the section applies) in paragraph (a), after “any joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “, the London Fire and Emergency Planning Authority,”.

Exclusion of certain shared ownership leases

- 9 In Schedule 4A to the Leasehold Reform Act 1967, in paragraph 2 (exclusion of certain leases granted by bodies specified in sub-paragraph (2)) in sub-paragraph (2), after paragraph (b) there shall be inserted—
“(bb) the London Fire and Emergency Planning Authority;”.

THE LOCAL GOVERNMENT GRANTS (SOCIAL NEED) ACT 1969

Grants to local authorities etc

- 10 In section 1 of the Local Government Grants (Social Need) Act 1969 (provision for grants) in subsection (3) (which defines “local authority”) after “shall also include” there shall be inserted “the London Fire and Emergency Planning Authority,”.

THE POST OFFICE ACT 1969

Local authority

- 11 In section 86 of the Post Office Act 1969 (interpretation of Part III) in subsection (1), in the definition of “local authority”, in paragraph (a), after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “, the London Fire and Emergency Planning Authority”.

THE EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969

Exemption

- 12 In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance) in subsection (2)(b) (which specifies certain

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authorities exempted under subsection (1)(a)) after “a joint authority established by Part IV of the Local Government Act 1985,” there shall be inserted “the London Fire and Emergency Planning Authority.”

THE PENSIONS (INCREASE) ACT 1971

Meaning of local authority

- 13 In Schedule 3 to the Pensions (Increase) Act 1971 (meaning of local authority) after paragraph 6(1)(a)(ia) there shall be inserted—
 “(ib) the London Fire and Emergency Planning Authority;”.

THE LOCAL GOVERNMENT ACT 1972

Restriction on promoting Bills for changing local government areas etc

- 14 In section 70 of the Local Government Act 1972 (restriction on promotion of Bills for changing local government areas etc) at the beginning there shall be inserted “(1)” and after the subsection so formed there shall be added—
 “(2) Subsection (1) above shall have effect as if the reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.”

Members' interests in contracts etc

- 15 In section 98 of the Local Government Act 1972 (members' interests in contracts: interpretation of sections 95 to 97) in subsection (1A) (extended meaning of local authority) after “a joint authority” there shall be inserted “, the London Fire and Emergency Planning Authority”.

Powers with respect to emergencies and disasters

- 16 In section 138 of the Local Government Act 1972 (powers of principal councils with respect to emergencies and disasters) in subsection (5) (expenses incurred by certain bodies in co-ordinating planning) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

Information relating to matters affecting local government

- 17 In section 142 of the Local Government Act 1972 (provision of information relating to matters affecting local government) after subsection (3) there shall be added—
 “(4) This section shall have effect as if any reference to a local authority included a reference to the London Fire and Emergency Planning Authority.”

Allowances for attending conferences and meetings

- 18 In section 175 of the Local Government Act 1972 (allowances for attending conferences and meetings) in subsection (3B) (application in relation to joint authorities etc) after “In relation to” there shall be inserted “the London Fire and Emergency Planning Authority or”.

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Payment of expenses for official and courtesy visits etc

- 19 In section 176 of the Local Government Act 1972 (payment of expenses for official and courtesy visits etc) in subsection (3) (which provides that local authority includes a joint authority) after “joint authority” there shall be inserted “and the London Fire and Emergency Planning Authority”.

Power to prosecute or defend legal proceedings

- 20 In section 222 of the Local Government Act 1972 (power of local authority to prosecute or defend legal proceedings) in subsection (2) (which provides that local authority includes the Common Council) after “Common Council” there shall be inserted “and the London Fire and Emergency Planning Authority”.

General application of Part XI of the 1972 Act

- 21 In Part XI of the Local Government Act 1972 (general provisions as to local authorities) after section 244 there shall be inserted—

“244A Application of this Part to London Fire and Emergency Planning Authority

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.”

THE EMPLOYMENT AGENCIES ACT 1973

Exemptions

- 22 In section 13 of the Employment Agencies Act 1973 (interpretation) in subsection (7) (which specifies what the Act does not apply to) after paragraph (fg) there shall be inserted—
- “(fh) the exercise by the London Fire and Emergency Planning Authority of any of its functions;”.

THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

Restrictions on disclosure of information

- 23 In section 28 of the Health and Safety at Work etc. Act 1974 (restrictions on disclosure of information) in subsection (6) (which extends the meaning of local authority in subsections (3) to (5)) at the end there shall be added “and the London Fire and Emergency Planning Authority”.

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Local authority

- 24 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part I) in the definition of “local authority”—
- (a) in paragraph (a), after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “and the London Fire and Emergency Planning Authority”; and

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- (b) in paragraph (c) after “(waste regulation and disposal authorities),” there shall be inserted “the London Fire and Emergency Planning Authority”.

THE RENT (AGRICULTURE) ACT 1976

No statutory tenancy in certain cases

- 25 In section 5 of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to local authority etc) in subsection (3) (which specifies the bodies in question) after paragraph (bb) (joint authorities) there shall be inserted—

“(bbb) the London Fire and Emergency Planning Authority;”.

THE RENT ACT 1977

No protected tenancy in certain cases

- 26 In section 14 of the Rent Act 1977 (no protected tenancy where landlord’s interest belongs to a local authority etc) after paragraph (cb) (joint authorities) there shall be inserted—

“(cc) the London Fire and Emergency Planning Authority;”.

THE PROTECTION FROM EVICTION ACT 1977

Excluded tenancies and licences

- 27 In section 3A of the Protection from Eviction Act 1977 (excluded tenancies and licences) in subsection (8) (excluded licence in case of hostel provided by a body specified in that subsection) in paragraph (a) after “the Inner London Education Authority,” there shall be inserted “the London Fire and Emergency Planning Authority;”.

THE LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980

Duty to publish information

- 28 In section 2 of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information) in subsection (1) (which specifies the authorities to which the section applies) after paragraph (ka) (joint authorities) there shall be inserted—

“(kb) the London Fire and Emergency Planning Authority;”.

Direct labour organisations

- 29 In section 20(1) of the Local Government, Planning and Land Act 1980 (interpretation of Part III) in the definition of “local authority”, in paragraph (a), after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “, the London Fire and Emergency Planning Authority”.

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Disposal of land

- 30 In section 98 of the Local Government, Planning and Land Act 1980 (disposal of land at direction of Secretary of State) in the subsection (8A) which is inserted by paragraph 56 of Schedule 11 to the Local Government and Housing Act 1989 (and which specifies the bodies mentioned in the subsection (8)(d) inserted by the same provision) after paragraph (e) (joint authorities) there shall be inserted “and
(f) the London Fire and Emergency Planning Authority.”

Directions to dispose of land: supplementary

- 31 In section 99 of the Local Government, Planning and Land Act 1980 (disposal of land— supplementary) in subsection (4) (representations by certain bodies) after paragraph (db) (joint authorities) there shall be inserted—
“(dbb) the London Fire and Emergency Planning Authority;”.

Meaning of “subsidiary” in Part X

- 32 In section 100 of the Local Government, Planning and Land Act 1980 (interpretation and extent of Part X) in the subsection (1) which is substituted by paragraph 57 of Schedule 11 to the Local Government and Housing Act 1989 (and which defines “subsidiary” in relation to different bodies) in paragraph (a), before “or a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “, the London Fire and Emergency Planning Authority”.

Bodies to whom Part X applies

- 33 In Schedule 16 to the Local Government, Planning and Land Act 1980 (bodies to whom Part X applies) after paragraph 5B (joint authorities) there shall be inserted—
“5BB The London Fire and Emergency Planning Authority.”

THE ACQUISITION OF LAND ACT 1981

Local authority etc land

- 34 (1) The Acquisition of Land Act 1981 shall be amended as follows.
(2) In section 7(1) (general definitions) in the definition of “local authority”, after paragraph (a) there shall be inserted—
“(a1) the London Fire and Emergency Planning Authority;”.
(3) In section 17 (compulsory purchase of local authority and statutory undertakers' land) in subsection (4), in the definition of “local authority”, in paragraph (a), after “Common Council of the City of London,” there shall be inserted “the London Fire and Emergency Planning Authority,”.

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Enforceability of covenants

- 35 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of covenants relating to land) in subsection (9) (a) (meaning of “principal council” in that section) after “the London Residuary

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Body,” there shall be inserted “the London Fire and Emergency Planning Authority,”.

Lost and uncollected property

- 36 In section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (lost and uncollected property) in subsection (13), in the definition of “local authority”, after paragraph (e) (joint authorities) there shall be inserted “and
 (f) the London Fire and Emergency Planning Authority;”.

Arrangements under the Employment and Training Act 1973

- 37 In section 45 of the Local Government (Miscellaneous Provisions) Act 1982 (power of local authority to enter into arrangements with Secretary of State under the Employment and Training Act 1973) in subsection (2) (local authorities to whom the section applies) after paragraph (c) there shall be inserted “and
 (d) the London Fire and Emergency Planning Authority.”

THE COUNTY COURTS ACT 1984

Right of audience

- 38 In section 60 of the County Courts Act 1984 (right of audience) in subsection (3), in the definition of “local authority”, after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “the London Fire and Emergency Planning Authority,”.

THE LOCAL GOVERNMENT ACT 1985

First appointments

- 39 In section 30 of the Local Government Act 1985 (first appointments) subsection (2) (a) (which required notice of the first appointments to the London Fire and Civil Defence Authority to be given to the Greater London Council and which is spent) shall cease to have effect.

General fund

- 40 (1) The Fire etc Authority shall continue to keep a general fund under and in accordance with section 72 of the Local Government Act 1985.
 (2) Accordingly, after subsection (4) of that section there shall be inserted—
 “(5) Any reference in this section to a new authority includes a reference to the London Fire and Emergency Planning Authority.”

Number of members of joint authorities

- 41 In Schedule 10 to the Local Government Act 1985 (number of members of joint authorities) Part I (which relates to the Fire etc Authority) shall cease to have effect.

THE HOUSING ACT 1985

Local authority

- 42 In section 4 of the Housing Act 1985 (other descriptions of authority) in paragraph (e) (local authorities) after the words “a joint authority established by Part IV of the Local Government Act 1985”, in both places where they occur, there shall be inserted “ and the London Fire and Emergency Planning Authority”.

THE HOUSING ASSOCIATIONS ACT 1985

Local authority

- 43 In section 106(1) of the Housing Associations Act 1985 (definitions) in the definition of “local authority”—
- (a) after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “and the London Fire and Emergency Planning Authority”; and
 - (b) after “such a joint authority” there shall be inserted “, the London Fire and Emergency Planning Authority”.

THE LANDLORD AND TENANT ACT 1985

Local authority

- 44 In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority” after “a joint authority established by Part IV of the Local Government Act 1985” there shall be inserted “and the London Fire and Emergency Planning Authority”.

THE LOCAL GOVERNMENT ACT 1986

Local authority publicity

- 45 In section 6(2) of the Local Government Act 1986 (meaning of “local authority” in Part II) in paragraph (a), after the entry “a joint authority established by Part IV of the Local Government Act 1985,” there shall be inserted the entry—
- “the London Fire and Emergency Planning Authority,”.

Transfer of local authority mortgages

- 46 In section 9(1)(a) of the Local Government Act 1986 (meaning of “local authority” in Part III) after the entry “a joint authority established by Part IV of the Local Government Act 1985,” there shall be inserted the entry—
- “the London Fire and Emergency Planning Authority,”.

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

THE LOCAL GOVERNMENT FINANCE ACT 1987

Rates: maximum limit

- 47 In Schedule 2 to the Local Government Finance Act 1987 (rates: maximum limit) in paragraph 6(5) (the appropriate formula for, among other bodies, the London Fire and Civil Defence Authority) the words “or the London Fire and Civil Defence Authority” shall cease to have effect.

THE LANDLORD AND TENANT ACT 1987

Exempt landlords etc

- 48 In section 58(1) of the Landlord and Tenant Act 1987 (bodies which are “exempt landlords”) in paragraph (a), after “the Common Council of the City of London,” there shall be inserted “the London Fire and Emergency Planning Authority.”

THE LOCAL GOVERNMENT ACT 1988

Competition

- 49 In section 1(1) of the Local Government Act 1988 (which specifies the defined authorities for the purposes of Part I) in paragraph (g), for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

Public supply or works contracts

- 50 In Schedule 2 to the Local Government Act 1988 (which specifies the public authorities to which section 17 of that Act applies) for the entry relating to the London Fire and Civil Defence Authority there shall be substituted the entry—
 “The London Fire and Emergency Planning Authority.”

THE LOCAL GOVERNMENT FINANCE ACT 1988

Financial administration

- 51 (1) Section 111 of the Local Government Finance Act 1988 (interpretation of Part VIII) shall be amended as follows.
- (2) In subsection (2) (relevant authorities) paragraph (h) (which refers to the London Fire and Civil Defence Authority but is superseded for the London Fire and Emergency Planning Authority by amendments made by section 128 of this Act) shall be omitted.

THE HOUSING ACT 1988

Transfer of housing accommodation etc

- 52 In section 74 of the Housing Act 1988 (transfer of land and other property to housing action trusts) in subsection (8) (meaning of “local authority”) after paragraph (f) there shall be inserted—
 “(g) the London Fire and Emergency Planning Authority.”

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

Tenancies which cannot be assured tenancies

- 53 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies) in paragraph 12(2) (definition of “local authority”) after paragraph (e) there shall be inserted—
“(ee) the London Fire and Emergency Planning Authority;”.

THE ROAD TRAFFIC ACT 1988

Exception from requirement of third-party insurance etc

- 54 In section 144(2)(a)(i) of the Road Traffic Act 1988 (which provides that section 143 does not apply to vehicles owned by certain authorities) after “the Inner London Education Authority,” there shall be inserted “the London Fire and Emergency Planning Authority;”.

THE LOCAL GOVERNMENT AND HOUSING ACT 1989

Application of Part I to the Fire etc Authority

- 55 In section 21(1) of the Local Government and Housing Act 1989 (which defines local authority for the purposes of Part I in relation to England and Wales) in paragraph (i) (joint authorities) after “transport)” there shall be inserted “or the London Fire and Emergency Planning Authority”.

Charges by certain authorities

- 56 In section 152 of the Local Government and Housing Act 1989 (interpretation etc of sections 150 and 151) in subsection (2) (meaning of “relevant authority” in relation to England and Wales) after paragraph (m) there shall be inserted—
“(n) the London Fire and Emergency Planning Authority.”

THE TOWN AND COUNTRY PLANNING ACT 1990

Procedure for making of orders

- 57 In section 252 of the Town and Country Planning Act 1990 (procedure for making of orders) in subsection (12), in the definition of “local authority”, after “a joint authority established by Part IV of the Local Government Act 1985,” there shall be inserted “the London Fire and Emergency Planning Authority;”.

Footpaths and bridleways orders

- 58 In Schedule 14 to the Town and Country Planning Act 1990 (procedure for footpaths and bridleways orders) in paragraph 1(3), in the definition of “council”, after “London borough council” there shall be inserted “, the London Fire and Emergency Planning Authority;”.

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

THE LOCAL GOVERNMENT (OVERSEAS ASSISTANCE) ACT 1993

Power to provide advice and assistance

- 59 In section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance) in subsection (10) (bodies which are local authorities) after paragraph (d) (joint authorities) there shall be inserted—
“(dd) the London Fire and Emergency Planning Authority;”.

THE HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

Grants for improvements and repairs

- 60 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants) after paragraph (j) there shall be inserted “or
(k) the London Fire and Emergency Planning Authority.”

THE CHANNEL TUNNEL RAIL LINK ACT 1996

Highways

- 61 In Schedule 3 to the Channel Tunnel Rail Link Act 1996 (highways) in paragraph 2(11) (meaning of “local authority” in sub-paragraph (7)(a)) after “a joint authority established by Part IV of the Local Government Act 1985,” there shall be inserted “the London Fire and Emergency Planning Authority;”.

THE JUSTICES OF THE PEACE ACT 1997

Disqualification of justices who are members of local authorities

- 62 In section 66 of the Justices of the Peace Act 1997 (disqualification in certain cases of justices who are members of local authorities) in subsection (7) (meaning of “local authority”) after paragraph (c) (joint authorities) there shall be inserted—
“(cc) the London Fire and Emergency Planning Authority;”.

THE CRIME AND DISORDER ACT 1998

Duty to consider crime and disorder implications

- 63 In section 17 of the Crime and Disorder Act 1998 (duty of certain authorities in exercising their functions) in subsection (2) (which specifies the authorities) after “a joint authority,” there shall be inserted “the London Fire and Emergency Planning Authority;”.

PART II

LOCAL AND PERSONAL ACTS

THE LONDON COUNTY COUNCIL (GENERAL POWERS) ACT 1912

Registration of petroleum oil depots

- 64 In section 4 of the London County Council (General Powers) Act 1912 (registration of petroleum oil depots) for the definition of “controlling authority” there shall be substituted—

““controlling authority” means the London Fire and Emergency Planning Authority;”.

THE ESSEX COUNTY COUNCIL ACT 1952

Precautions against fire in certain buildings in North East London

- 65 In section 80 of the Essex County Council Act 1952 (which was substituted by section 6 of the Essex County Council Act 1958 and relates to precautions against fire in certain buildings in parts of Greater London that used to be in Essex) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

THE LONDON HYDRAULIC POWER ACT 1977

Notice of intention to use new pipeline to be given to Fire etc Authority

- 66 In section 3(3)(b) of the London Hydraulic Power Act 1977 (which requires the Company to give notice of intention to use a new pipeline to the London Fire and Civil Defence Authority) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

THE LONDON LOCAL AUTHORITIES ACT 1990

Night cafe licensing

- 67 In section 4 of the London Local Authorities Act 1990 (interpretation of Part II) in the definition of “the fire authority” for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

THE LONDON LOCAL AUTHORITIES ACT 1991

Special treatment premises

- 68 In the following provisions of Part II of the London Local Authorities Act 1991 (special treatment premises), namely—
- (a) section 7 (application under Part II), and
 - (b) section 15 (powers of entry),
- for the words “London Fire and Civil Defence Authority”, wherever occurring, there shall be substituted “London Fire and Emergency Planning Authority”.

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

THE LONDON LOCAL AUTHORITIES ACT 1995

The fire authority

- 69 (1) The London Local Authorities Act 1995 shall be amended as follows.
- (2) In section 2 (interpretation of Act) in the definition of “the fire authority” for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.
- (3) Section 44 (which permits a participating council to appoint a deputy for a member appointed by them to the fire authority and which applies with necessary modifications to the London Waste Regulation Authority, which has been abolished) shall cease to have effect.

THE LONDON LOCAL AUTHORITIES ACT 1996

Private places of entertainment

- 70 In section 21 of the London Local Authorities Act 1996 (which applies section 3 of the Private Places of Entertainment (Licensing) Act 1967 with modifications) in the notionally inserted subsection (5) (copy of application to be sent to the London Fire and Civil Defence Authority) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

Theatres

- 71 In section 22 of the London Local Authorities Act 1996 (which applies Schedule 1 to the Theatres Act 1968, with modifications, in relation to licences in respect of premises in a borough) in the notionally substituted paragraph 2(1) (copy of application to be sent to the London Fire and Civil Defence Authority) for “London Fire and Civil Defence Authority” there shall be substituted “London Fire and Emergency Planning Authority”.

SCHEDULE 30

Section 375.

THE CULTURAL STRATEGY GROUP FOR LONDON

Status and capacity

- 1 (1) The Cultural Strategy Group for London shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The members and staff of the Cultural Strategy Group for London shall not be regarded as civil servants, and its property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) It shall be within the capacity of the Cultural Strategy Group for London to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of its functions under this Act.

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

- (4) The Cultural Strategy Group for London may acquire and hold land for the purpose of enabling or facilitating the discharge of its functions.

Membership

- 2 (1) The Cultural Strategy Group for London shall consist of not fewer than 10 nor more than 25 members.
- (2) The members shall be appointed by the Mayor.
- (3) The members shall be individuals—
- (a) who are representatives of such bodies concerned with relevant matters as the Mayor considers appropriate; or
 - (b) who have knowledge, experience or expertise which is relevant to the functions of the Cultural Strategy Group for London.
- (4) Before making any appointment of a member, the Mayor shall consult such bodies or persons as he considers appropriate.
- (5) Before making an appointment by virtue of sub-paragraph (3)(a) above, the Mayor shall consult the body concerned.
- (6) In sub-paragraph (3)(a) above “relevant matters” means any of the matters in relation to which the culture strategy may contain policies.

Appointment of member to take chair

- 3 The Mayor shall appoint one of the members of the Cultural Strategy Group for London to chair it.

Tenure of office

- 4 (1) The members of the Cultural Strategy Group for London shall hold and vacate office in accordance with the terms of their appointment.
- (2) The terms of appointment of a member shall be such as the Mayor may determine.
- (3) But a member may at any time resign his membership by giving notice to the Mayor.
- (4) A person who ceases to be a member shall be eligible for re-appointment.

Members' expenses

- 5 The Mayor may pay the members of the Cultural Strategy Group for London allowances in respect of travel or other expenses properly incurred by them.

Staff

- 6 (1) The Cultural Strategy Group for London may appoint such staff as it considers necessary for assisting it in the exercise of any of its functions.
- (2) The staff of the Cultural Strategy Group for London shall be appointed on such terms and conditions (including conditions as to remuneration) as the Cultural Strategy Group for London shall determine.

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

Financial provisions

- 7 The Mayor may provide the Cultural Strategy Group for London with sums of money towards defraying expenses properly incurred by the Cultural Strategy Group for London in carrying out its functions.

Proceedings

- 8 (1) The quorum of the Cultural Strategy Group for London and the arrangements relating to its meetings shall be such as it may determine.
- (2) The validity of proceedings of the Cultural Strategy Group for London is not affected—
- (a) by any vacancy among the members or any defect in the appointment of any member; or
 - (b) by any failure to make, or any defect in, an appointment under paragraph 3 above.

Application of seal and proof of instruments

- 9 (1) The application of the seal of the Cultural Strategy Group for London shall be authenticated by the signature of any member, or any member of staff, of the Cultural Strategy Group for London who has been authorised for the purpose, whether generally or specially, by the Cultural Strategy Group for London.
- (2) In sub-paragraph (1) above the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced; and, in paragraph 10 below, the word “signed” shall be construed accordingly.

Documents served etc by or on the Cultural Strategy Group for London

- 10 (1) Any document which the Cultural Strategy Group for London is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Cultural Strategy Group for London by any member, or any member of staff, of the Cultural Strategy Group for London who has been authorised for the purpose, whether generally or specially, by the Cultural Strategy Group for London.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the Cultural Strategy Group for London and to be duly executed under the seal of the Cultural Strategy Group for London, or to be signed or executed by a person authorised by the Cultural Strategy Group for London for the purpose, shall be received in evidence and be treated, without further proof, as being so made or so issued unless the contrary is shown.
- (3) Any notice which is required or authorised, by or under any provision of any other Act, to be given, served or issued by, to or on the Cultural Strategy Group for London shall be in writing.

SCHEDULE 31

Section 409.

TRANSFER SCHEMES

Interpretation

- 1 In this Schedule—
- “Crown scheme” means a scheme under subsection (1) of section 409 of this Act;
 - “ordinary scheme” means a scheme under subsection (2) of section 409 of this Act;
 - “predecessor bodies” means the bodies or persons falling within subsection (3) of section 408 of this Act;
 - “successor bodies” means the bodies or persons falling within subsection (2) of section 408 of this Act;
 - “transfer scheme” means a Crown scheme or an ordinary scheme.

Effect of transfer scheme

- 2 (1) A transfer scheme shall by virtue of this paragraph take effect in accordance with the provisions of the scheme on such day or days as may be appointed by the scheme.
- (2) A transfer scheme may make provision for transfers to take effect at such time of day as may be specified in the scheme.

Other provision that may be contained in a Crown scheme

- 3 (1) A Crown scheme may also contain provision—
- (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor;
 - (b) for the creation of any rights or liabilities as between two or more of the successor bodies, or as between one or more of them and the Crown;
 - (c) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against two or more of the successor bodies, or by or against one or more of them and the Crown;
 - (d) for imposing on any two or more of the successor bodies, or on one or more of them and the Crown, an obligation to enter into written agreements with, or execute other instruments in favour of, each other.
- (2) A Crown scheme may also contain provision—
- (a) for the creation in favour of any of the successor bodies of an interest in or right over property retained by the Crown;
 - (b) for the creation in favour of any of the successor bodies of an interest in or right over property which the scheme transfers to another of those bodies.

Making and approval of ordinary scheme

- 4 (1) Where any of the predecessor bodies is required to make an ordinary scheme, it shall submit the scheme to the relevant Minister for his approval before such date as he may direct.

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

- (2) Where a scheme is submitted under sub-paragraph (1) above, the relevant Minister may approve the scheme either with or without modification.
- (3) Before giving his approval under sub-paragraph (2) above, the relevant Minister must consult—
 - (a) the transferor;
 - (b) such of the successor bodies as have been established and are affected by the scheme; and
 - (c) if the scheme makes provision by virtue of subsection (7) of section 409 of this Act, the trustees or managers, or the administrators, of any existing pension scheme in relation to which provision is made.
- (4) A scheme required to be submitted under sub-paragraph (1) above shall not take effect unless approved under sub-paragraph (2) above.
- (5) In this paragraph “the relevant Minister”, in relation to an ordinary scheme, means the Minister of the Crown who gave the direction under section 409(2) of this Act to make the scheme.

Power of Minister to make ordinary scheme

- 5 (1) A Minister of the Crown who has given a direction under subsection (2) of section 409 of this Act may, after consultation with the transferor and such of the successor bodies as are affected, make an ordinary scheme himself if—
 - (a) he decides not to approve (with or without modifications) a scheme submitted to him pursuant to the direction before the date specified for the purpose under paragraph 4(1) above, or
 - (b) no ordinary scheme is submitted to him pursuant to the direction for approval before that date.
- (2) Nothing in sub-paragraph (1) above shall prevent a Minister of the Crown from approving a scheme submitted to him after the date specified in relation to it under paragraph 4(1) above.
- (3) A scheme made by a Minister of the Crown under sub-paragraph (1) above shall be treated for all purposes as having been made by the transferor and approved by the Minister.

Other provision that may be contained in an ordinary scheme

- 6 An ordinary scheme may also contain provision—
 - (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor;
 - (b) for the creation in favour of any of the successor bodies of—
 - (i) an interest in or right over property retained by the transferor; or
 - (ii) an interest in or right over property which the scheme transfers to another of those bodies;
 - (c) for the creation of any rights or liabilities as between two or more of the successor bodies or as between one or more of those bodies and the transferor;

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

- (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against two or more of the successor bodies, or by or against one or more of those bodies and the transferor;
- (e) for imposing on any two or more of the successor bodies, or on one or more of those bodies and the transferor, an obligation to enter into written agreements with, or execute other instruments in favour of, each other.

Power to make consequential, transitional etc provision

- 7 (1) A transfer scheme may contain incidental, consequential, supplemental or transitional provision and savings.
- (2) A transfer scheme may make different provision for different purposes.

SCHEDULE 32

Section 411.

LONDON REGIONAL TRANSPORT PENSION ETC SCHEMES

Interpretation

- 1 (1) In this Schedule—
- “employment” means employment under a contract of service or apprenticeship (whether express or implied and, if express, whether oral or in writing) and related expressions shall be construed accordingly;
- “LRT pension scheme” means any occupational pension scheme for the provision of pensions for or in respect of persons with service in the employment of London Regional Transport or a subsidiary of London Regional Transport (whether or not pensions may also be provided under the scheme for or in respect of persons without such service);
- “LRT welfare scheme” means a scheme (other than a pension scheme) for the provision, whether directly or indirectly, of benefits for or in respect of persons with service in the employment of London Regional Transport or a subsidiary of London Regional Transport (whether or not benefits may also be provided under the scheme for or in respect of persons without such service);
- “occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act 1993;
- “order” means an order made by the Secretary of State under section 411(1) of this Act;
- “prescribed” means specified in, or determined in accordance with, an order.
- (2) Subject to sub-paragraph (1) above, expressions used in this Schedule and in section 411 of this Act have the same meaning in this Schedule as they have in that section.

Amendment of LRT pension schemes

- 2 (1) In the case of any LRT pension scheme, the provision that may be made by order under section 411(1) of this Act includes provision for or in connection with—

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

- (a) the allocation of assets, rights, liabilities or obligations between different sections of the scheme;
- (b) securing that the scheme continues to be approved for the purposes of the relevant enactments, notwithstanding any transfers made by or under this Act or any qualifying transaction.

(2) In sub-paragraph (1) above—

“qualifying transaction” means any relevant transaction, within the meaning of paragraph 3 below, as a result of which a person is or becomes a protected person for the purposes of that paragraph;

“the relevant enactments” means—

- (a) Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (retirement benefit schemes); and
- (b) Part III of the Pension Schemes Act 1993, so far as relating to occupational pension schemes.

Protection of pension arrangements of transferred employees

- 3 (1) For the purposes of this paragraph, a “protected person” is a person—
- (a) who, as a result of any prescribed relevant transaction, becomes, or since 20th March 1998 has become, an employee of a private sector company; and
 - (b) who, immediately before becoming such an employee, was an employee of London Regional Transport or a subsidiary of London Regional Transport.
- (2) The Secretary of State may by order make provision for the purpose of securing that no protected person (and, accordingly, no person who is or may become entitled to a pension in respect of a protected person) ceases to be overall in materially at least as good a position, as respects pension arrangements, as a result of—
- (a) the relevant transaction by reason of which the protected person is such a person; or
 - (b) any pensions order made in connection with that relevant transaction.
- (3) The provision that may be made by virtue of sub-paragraph (2) above is provision for the purpose of securing that a protected person has the right—
- (a) for so long as the appropriate conditions are satisfied, to continue to participate as a contributing member in any prescribed LRT pension scheme in which he was participating as such a member immediately before the relevant transaction, and
 - (b) for so long as his period of continuous employment is not broken, to participate as a contributing member in a pension scheme under which the benefits to be provided to or in respect of him are overall materially at least as good as those provided under any prescribed LRT scheme in which he was participating as a contributing member immediately before the relevant transaction,
- subject to any provision made by virtue of sub-paragraph (6) below.
- (4) For the purposes of sub-paragraph (3)(a) above, “the appropriate conditions” are—
- (a) that the protected person continues to be a person employed in the London underground railway industry (whether or not with the same employer); and
 - (b) that any prescribed conditions with respect to continuity of employment are satisfied in his case.

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

- (5) The provision that may be made by virtue of sub-paragraph (2) above includes provision for or in connection with the level of funding which is to be maintained in the case of any pension scheme of a prescribed description so far as relating to protected persons.
- (6) An order made by virtue of sub-paragraph (2) above may make provision for such orders to cease to have effect in the case of any protected person if—
- (a) he voluntarily withdraws from an occupational pension scheme, or
 - (b) he requests that his pension rights be transferred from an occupational pension scheme,
- except in such circumstances or to such extent as may be prescribed.
- (7) Circumstances may be prescribed in which—
- (a) a break in the continuity of a person’s period of employment,
 - (b) a person’s ceasing to be a person employed in the London underground railway industry, or
 - (c) a person’s voluntary withdrawal from an occupational pension scheme,
- shall be disregarded for prescribed purposes of this paragraph.
- (8) Chapter I of Part XIV of the Employment Rights Act 1996 (continuous employment) shall apply for the purposes of this paragraph as it applies for the purposes of that Act.
- (9) For the purposes of this paragraph—
- (a) the persons who are to be regarded as “employed in the London underground railway industry” are those who are employed to carry on activities of a class or description specified for the purposes of this sub-paragraph in an order made by the Secretary of State; and
 - (b) the Secretary of State may so specify any class or description of activity which, in his opinion, falls within, or is related to or connected with, the London underground railway industry.
- (10) In this paragraph—
- “contributing member”, in the case of any pension scheme, means a member who makes, and whose employer makes in respect of him, contributions under the scheme;
- “pensions order” means an order made otherwise than by virtue of this paragraph;
- “private sector company” means any company other than a public sector operator, within the meaning of Chapter VII of Part IV of this Act;
- “relevant transaction” means—
- (a) a transfer of shares in a subsidiary of London Regional Transport to a private sector company; or
 - (b) a transfer of rights and liabilities under a contract of employment.

Power to dispense with consent of trustees

- 4 If the Secretary of State makes provision under this Act for or in connection with—
- (a) enabling employees of Transport for London, or of a subsidiary of Transport for London, or of a private sector company (within the meaning of paragraph 3 above) to participate in an LRT pension scheme, or

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

(b) enabling Transport for London, a subsidiary of Transport for London or such a company to participate as an employer in such a scheme,
 he may by order make provision requiring the trustees of the scheme or any other person whose approval or consent is necessary in connection with the doing of anything required to be done by virtue of the order to give that approval or consent.

LRT welfare schemes

- 5 (1) The provision that may be made by order under section 411(1) of this Act includes provision with respect to the provision, under an LRT welfare scheme, of benefits for or in respect of persons who are or have been employees of—
- (a) London Regional Transport or any subsidiary of London Regional Transport; or
 - (b) Transport for London or any subsidiary of Transport for London.
- (2) For the purposes of sub-paragraph (1) above, the provisions of section 411 of this Act, and of the other paragraphs of this Schedule, shall apply in relation to an LRT welfare scheme as they apply in relation to a pension scheme, but taking references in those provisions to pensions as references to benefits and construing references to pension rights accordingly.
- (3) The Secretary of State may by order amend the memorandum and articles of any company which is the trustee of an LRT welfare scheme for or in connection with permitting directors or shareholders of the company to be persons who are officers or servants of Transport for London or a subsidiary of Transport for London.
- In this sub-paragraph “company”, “memorandum” and “articles” have the same meaning as in the Companies Act 1985.
- (4) Any powers—
- (a) which were vested in the London Transport Board in relation to an LRT welfare scheme, and
 - (b) which have not become vested in London Regional Transport by virtue of a transfer under section 16(1) of the Transport (London) Act 1969 or otherwise,
- shall be deemed to be vested in London Regional Transport by virtue of such a transfer.
- (5) Anything done at any time by or in relation to London Regional Transport—
- (a) before the coming into force of sub-paragraph (4) above, and
 - (b) in reliance on any power deemed by that sub-paragraph to be vested in London Regional Transport,
- shall be as valid and effective as if the power had at that time been vested in London Regional Transport.

Former employees of predecessors of London Regional Transport

- 6 In the application of section 411 of this Act in a case where the body or person falling within paragraph (b) of subsection (1) of that section is London Regional Transport or a subsidiary of London Regional Transport, paragraph (c) of that subsection shall have effect with the insertion, after “falling within paragraph (b) above”, of “or this paragraph”.

SCHEDULE 33

Section 419.

TAXATION PROVISIONS

PART I

TRANSFERS FROM LONDON REGIONAL TRANSPORT TO TRANSPORT FOR LONDON

Interpretation

- 1 In this Part of this Schedule—
- “qualifying transfer” means a transfer of property, rights or liabilities by virtue of a transfer instrument;
 - “successor” means the body to which property, rights or liabilities are transferred by virtue of a transfer instrument;
 - “transfer date”, in the case of any transfer, means the date on which the transfer takes effect;
 - “transfer instrument” means—
 - (a) an order under section 408 or 411 of this Act;
 - (b) a scheme under section 409 of this Act; or
 - (c) an instrument or agreement which is certified to the Commissioners of Inland Revenue by London Regional Transport as made in pursuance of such an order or scheme;
 - “transferor” in relation to any qualifying transfer, means the body from which the property, rights or liabilities in question are transferred by virtue of the transfer instrument in question.

Chargeable gains: general

- 2 (1) For the purposes of the Taxation of Chargeable Gains Act 1992, where there is a qualifying transfer—
- (a) from London Regional Transport or any of its subsidiaries,
 - (b) to Transport for London or any of its immediate subsidiaries,
- the transfer of the property, rights and liabilities to which it relates shall be deemed, in relation to the successor as well as the transferor, to be for a consideration such that neither a gain nor a loss accrues to the transferor.
- (2) For the purposes of this paragraph a company is an “immediate subsidiary” of Transport for London if—
- (a) it is a subsidiary of Transport for London; but
 - (b) it is not a subsidiary of another company which is a subsidiary of Transport for London.

Group transactions

- 3 (1) For the purposes of section 179 of the Taxation of Chargeable Gains Act 1992 (company ceasing to be a member of a group) where, by virtue of a qualifying transfer from London Regional Transport or a subsidiary of London Regional Transport to Transport for London or a subsidiary of Transport for London, a company—

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- (a) ceases to be a member of the same group of companies as London Regional Transport, but
- (b) becomes a member of a group of companies whose principal company (“the new principal”), whether it is the company or not, is a subsidiary of Transport for London,

the company shall not under that section be treated, in consequence of having so ceased, as at any time having sold, and immediately reacquired, any asset acquired from a company which is or has been a member of the former group.

- (2) Subject to sub-paragraph (3) below, where sub-paragraph (1) above applies, or but for subsection (2) of section 179 of the Taxation of Chargeable Gains Act 1992 would apply, as respects any acquisition of any asset and the company that acquired the asset ceases to be a member of the same group of companies as the new principal, that section shall have effect as if—
- (a) that asset had been acquired from the body which is the new principal; and
 - (b) the company had been a member of the same group of companies as that body when it was so acquired;

and where, for the purposes of that subsection, this sub-paragraph applies as respects more than one of a number of successive acquisitions of any asset, the fact that each is to be treated as an acquisition from the same person shall be disregarded.

- (3) Where—
- (a) any asset has been acquired by any company (“the leaving company”) from another company,
 - (b) both of those companies cease at the same time to be members of the same group of companies as the new principal, and
 - (c) those companies are associated companies both immediately before and immediately after that time and at the time of the acquisition of the asset by the leaving company,

sub-paragraph (2) above shall not apply as respects the acquisition of the asset by the leaving company.

- (4) Expressions used in this paragraph and in section 179 of the Taxation of Chargeable Gains Act 1992 have the same meaning in this paragraph as in that section.

Capital allowances

- 4 (1) This paragraph applies in relation to any qualifying transfer of relevant assets—
- (a) from London Regional Transport or any of its subsidiaries,
 - (b) to Transport for London or any of its subsidiaries.
- (2) In this paragraph “relevant assets”, in the case of any qualifying transfer, means assets by reference to which capital allowances may be or have been made to the transferor.
- (3) Where this paragraph applies in relation to a qualifying transfer of relevant assets—
- (a) there shall be made to or on the successor in accordance with the Capital Allowances Acts all such allowances and charges as would, if the transferor had continued to carry on its trade or other activities, have fallen to be made to or on the transferor in respect of those assets; and
 - (b) the amount of any such allowance or charge shall be computed on a just basis as if—

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- (i) the acquisition of those assets by the transferor had been their acquisition by the successor for the purposes of the trade (if any) to be carried on by the successor on and after the transfer date;
 - (ii) the successor had been carrying on its trade (if any) at the time of that acquisition; and
 - (iii) everything done by or to the transferor in respect of those assets had been done by or to the successor (but so that the qualifying transfer itself, so far as it relates to any assets in use for the purpose of the trade, shall not be treated as giving rise to any such allowance or charge).
- (4) The amounts falling to be taken into account in relation to the transferor as expenditure by reference to which capital allowances may be made shall be reduced, in relation to accounting periods beginning on or after the transfer date, by such amount as is just, taking into account the successor's entitlement to capital allowances under sub-paragraph (3) above.
- (5) The transferor's entitlement to capital allowances for its accounting period in which the transfer date falls shall be reduced by an amount which is just.
- (6) In the case of a qualifying transfer of relevant assets to Transport for London—
 - (a) in consequence of subsection (1) of section 419 of this Act, no allowances or charges are to be made to or on Transport for London by virtue of sub-paragraph (3) above; but
 - (b) sub-paragraphs (4) and (5) above shall have effect in relation to the transferor as if paragraph (a) had been omitted from that subsection.
- (7) If any dispute arises as to the amount which is just for the purposes of sub-paragraph (3), (4) or (5) above—
 - (a) the Commissioners of Inland Revenue, the transferor or the successor may refer the dispute to the Secretary of State; and
 - (b) on any such reference, the amount which is just shall be such amount as the Secretary of State may determine with the approval of the Treasury.
- (8) Neither—
 - (a) section 343(2) of the Taxes Act 1988 (company reconstructions without change of ownership), nor
 - (b) section 77 of the Capital Allowances Act 1990 (successions to trades: connected persons),shall have effect by virtue of a qualifying transfer in relation to which this paragraph applies.
- (9) Except as provided by this paragraph, a qualifying transfer in relation to which this paragraph applies shall be taken for the purposes of the Capital Allowances Acts not to give rise to—
 - (a) any writing down allowances under section 3 of the Capital Allowances Act 1990;
 - (b) any balancing allowances or balancing charges under section 4 of that Act;
 - (c) any balancing allowance under section 24(2)(b) of that Act;
 - (d) any balancing charge under section 24(5) of that Act;
 - (e) any qualifying expenditure being deemed to be incurred for the purposes of section 25 of that Act; or

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- (f) any disposal value being deemed to be received for the purposes of section 24 of that Act.

Preparatory transfers

- 5 (1) Paragraph 4 above shall have effect in relation to a preparatory transfer of relevant assets as it has effect in relation to a qualifying transfer in relation to which that paragraph applies.
- (2) For the purposes of this paragraph, a “preparatory transfer” is a transfer of property, rights or liabilities—
- (a) from London Regional Transport to a subsidiary of London Regional Transport,
 - (b) from a subsidiary of London Regional Transport to London Regional Transport, or
 - (c) from a subsidiary of London Regional Transport to another such subsidiary, by virtue of an instrument, or in pursuance of an agreement, which is certified to the Commissioners of Inland Revenue by London Regional Transport as made in preparation for, or in pursuance of, a qualifying transfer falling within sub-paragraph (3) below.
- (3) A qualifying transfer falls within this sub-paragraph if it is a transfer of shares in a company which—
- (a) immediately before the transfer is a subsidiary of London Regional Transport; but
 - (b) as a result of the transfer becomes instead a subsidiary of Transport for London.

PART II

PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

Interpretation

- 6 (1) In this Part of this Schedule—
- “PPP scheme” means a transfer scheme made in preparation for, or in pursuance of, a PPP agreement;
 - “predecessor”, in relation to any relevant transfer, means the body from which the property, rights or liabilities in question are transferred by virtue of the PPP scheme in question;
 - “private sector company” means a company which is not a public sector operator;
 - “relevant transfer” means a transfer of any property, rights or liabilities by virtue of a PPP scheme;
 - “transfer date”, in the case of a relevant transfer, means the date on which the transfer takes effect;
 - “transfer scheme” means a scheme made under or by virtue of section 9(6) of the London Regional Transport Act 1984;

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“transferee”, in relation to a relevant transfer, means the body to which the property, rights or liabilities in question are transferred by virtue of the PPP scheme in question.

- (2) Any reference in this Part of this Schedule to a PPP agreement includes a reference to a contract—
- (a) which is not a PPP agreement, by reason of the condition in subsection (6) of section 210 of this Act remaining to be satisfied (whether or not the condition in subsection (5) of that section also remains to be satisfied); but
 - (b) as respects which London Regional Transport certifies to the Commissioners of Inland Revenue—
 - (i) that the contract is intended by the parties to become a PPP agreement; and
 - (ii) that such one or more of the parties as may be specified in the certificate are intended to become PPP companies.
- (3) In the case of a contract falling within sub-paragraph (2) above, any reference in this Schedule to a PPP company includes a reference to any company in respect of which the certificate under paragraph (b)(ii) of that sub-paragraph is given.
- (4) Except where the context otherwise requires, expressions used in this Part of this Schedule and in Chapter VII of Part IV of this Act have the same meaning in this Part of this Schedule as they have in that Chapter.

Revenue nature of payments under PPP agreements

- 7 Any payment made by a relevant body to a company in pursuance of a PPP agreement shall be deemed for the purposes of the Corporation Tax Acts—
- (a) in the case of the relevant body, to be an expense of a revenue, rather than a capital, nature (and deductible accordingly in computing profits under Case I of Schedule D); and
 - (b) in the case of the company, to be a receipt of a trade carried on by the company (and taxable accordingly under Case I of Schedule D).

Chargeable gains: the share transfer to the private sector company

- 8 For the purposes of the Taxation of Chargeable Gains Act 1992, where pursuant to a PPP agreement there is a transfer of shares of a PPP company—
- (a) from London Regional Transport or any of its subsidiaries,
 - (b) to a private sector company,
- the transfer shall be deemed, in relation to the private sector company as well as the transferor, to be for a consideration such that neither a gain nor a loss accrues to the transferor.

Chargeable gains: company leaving the LRT group

- 9 (1) For the purposes of section 179 of the Taxation of Chargeable Gains Act 1992 (company ceasing to be a member of a group) where, by virtue of a transfer of shares or an agreement to transfer shares from London Regional Transport or a subsidiary of London Regional Transport to a private sector company, a company (“the transferred company”) which is or is to be a party to a PPP agreement—

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- (a) ceases to be a member of the same group of companies as London Regional Transport, but
- (b) becomes a member of a group of companies (“the A group”) of which the private sector company is a member (or becomes a member by virtue of the transfer or agreement to transfer the shares),

the transferred company shall not under that section be treated, in consequence of having so ceased, as at any time having sold, and immediately reacquired, any asset acquired from a company which is or has been a member of the former group.

- (2) Subject to sub-paragraph (3) below, where sub-paragraph (1) above applies, or but for subsection (2) of section 179 of the Taxation of Chargeable Gains Act 1992 would apply, as respects any acquisition of any asset and the company that acquired the asset ceases to be a member of the A group, that section shall have effect as if—

- (a) the asset had been acquired from the principal company of the A group; and
- (b) the company had been a member of the A group when it was so acquired;

and where, for the purposes of that subsection, this sub-paragraph applies as respects more than one of a number of successive acquisitions of any asset, the fact that each is to be treated as an acquisition from the same person shall be disregarded.

- (3) Where—

- (a) any asset has been acquired by any company (“the leaving company”) from another company,
- (b) both of those companies cease at the same time to be members of the A group, and
- (c) those companies are associated companies immediately before and immediately after that time and at the time of acquisition of the asset by the leaving company,

sub-paragraph (2) above shall not apply as respects the acquisition of the asset by the leaving company.

- (4) Expressions used in this paragraph and in section 179 of the Taxation of Chargeable Gains Act 1992 have the same meaning in this paragraph as in that section.

Capital allowances: general

- 10 (1) This paragraph applies in relation to any relevant transfer—
- (a) from London Regional Transport to a subsidiary of London Regional Transport,
 - (b) from a subsidiary of London Regional Transport to London Regional Transport, or
 - (c) from a subsidiary of London Regional Transport to another such subsidiary, which is certified to the Commissioners of Inland Revenue by London Regional Transport as made in preparation for, or in pursuance of, a PPP agreement.
- (2) A PPP scheme which provides for a relevant transfer in relation to which this paragraph applies may include provision for amounts of expenditure by reference to which capital allowances may be made to the predecessor in relation to anything—
- (a) to which the transfer relates, and
 - (b) which is specified, or of a description specified, for the purpose in the PPP scheme,

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to be allocated to the transferee and treated for the purposes of the Corporation Tax Acts, as respects periods beginning on or after the transfer date, as expenditure by reference to which capital allowances may be made to the transferee instead of to the predecessor.

- (3) Where an amount of expenditure is allocated under sub-paragraph (2) above to the transferee then, subject to sub-paragraph (4) below, there shall be made to or on the transferee in accordance with the Capital Allowances Acts all such allowances and charges as would have fallen to be made to or on him had he incurred expenditure of that amount on the transfer date in the acquisition, for the purposes of a trade carried on by him, of anything falling within paragraphs (a) and (b) of sub-paragraph (2) above.
- (4) For the purposes of the Corporation Tax Acts, only such amounts (if any) as may be specified in or determined in accordance with the PPP scheme providing for a relevant transfer shall be allocated to the transferee in respect of expenditure by reference to which capital allowances may be made by virtue of sub-paragraph (3) above in relation to anything to which the transfer relates.
- (5) The allocation in accordance with sub-paragraphs (2) and (4) above of an amount of expenditure to the transferee shall affect the amounts falling to be taken into account in relation to the predecessor as expenditure by reference to which capital allowances may be made only so far as necessary to give effect to a reduction of any such amount by a sum equal to so much of that amount as is so allocated to the transferee.
- (6) If the PPP scheme in question so provides, then, notwithstanding sub-paragraph (5) above,—
 - (a) the predecessor shall be entitled, for its accounting period in which the transfer date falls, to allowances, determined in accordance with the PPP scheme, in respect of the amount so allocated, but
 - (b) for that purpose that amount shall be treated as reduced to the amount which bears to it the proportion which that part of the accounting period which falls before the transfer date bears to twelve months;and a PPP scheme which makes any such provision may also make provision for or in connection with the making of an adjustment, determined in accordance with the PPP scheme, in relation to the transferee's entitlement to allowances.
- (7) Subject to sub-paragraph (8) below, the provisions of a PPP scheme providing for the determination of any amount which for the purposes of sub-paragraphs (2) and (4) above is to be allocated, in the case of any relevant transfer, to the transferee may include provision—
 - (a) for such a determination to be made by the Secretary of State in such manner as may be described in the scheme;
 - (b) for any amount determined to be calculated by reference to such factors, or to the opinion of such person, as may be so described;
 - (c) for or in connection with the making of any related determinations under sub-paragraph (6) above; or
 - (d) for a determination under those provisions, or under sub-paragraph (6) above, to be capable of being modified, on one or more occasions, in such manner and in such circumstances as may be so described.
- (8) The consent of the Treasury shall be required for the making or modification of a determination of any such amount as is mentioned in sub-paragraph (7) above.

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- (9) Neither section 343 of the Taxes Act 1988 (company reconstructions without change of ownership) nor section 77 of the Capital Allowances Act 1990 (successions to trades: connected persons) shall have effect by virtue of a relevant transfer in relation to which this paragraph applies.
- (10) Except as provided by this paragraph, a relevant transfer in relation to which this paragraph applies shall be taken for the purposes of the Capital Allowances Acts not to give rise to—
- (a) any balancing allowance under section 24(2)(b) of the Capital Allowances Act 1990;
 - (b) any balancing charge under section 24(5) of that Act;
 - (c) any qualifying expenditure being deemed to be incurred for the purposes of section 25 of that Act; or
 - (d) any disposal value being deemed to be received for the purposes of section 24 of that Act.

Leases and easements

- 11 (1) This paragraph applies where by or under, or otherwise in connection with, a PPP agreement a relevant body—
- (a) enters into an agreement to grant to a company a lease of, or an easement over, land which consists of or includes the whole or any part of a relevant site; or
 - (b) grants such a lease or easement to a company.
- (2) In this paragraph “relevant site” means—
- (a) an industrial building or structure, within the meaning of Part I of the Capital Allowances Act 1990; or
 - (b) land which, in relation to any fixture, within the meaning of Chapter VI of Part II of that Act, is the relevant land for the purposes of that Chapter.
- (3) Where this paragraph applies, the relevant body shall be deemed for the purposes of the Corporation Tax Acts to have such an interest in the relevant site in question as is sufficient for the agreement or grant to confer an appropriate interest on the company to which the lease or easement is, or is to be, granted (and the agreement or grant shall accordingly be taken for those purposes to confer such an interest).
- (4) For the purposes of sub-paragraph (3) above, an “appropriate interest”—
- (a) in the case of a relevant site falling within sub-paragraph (2)(a) above, is such an interest in the industrial building or structure in question as is, or is capable of being, for the purposes of Part I of the Capital Allowances Act 1990 the relevant interest (within the meaning of that Part) in relation to capital expenditure incurred by the company; or
 - (b) in the case of a relevant site falling within sub-paragraph (2)(b) above, is such an interest in the land in question as constitutes for the purposes of Chapter VI of Part II of the Capital Allowances Act 1990 an interest in land (within the meaning of that Chapter) by virtue of paragraph (c) or (d), as the case may be, of section 51(3) of that Act.
- (5) In this paragraph—
- (a) any reference to granting a lease or easement includes a reference to purporting to do so; and

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(b) any reference to a grant, or to a lease or easement, shall be construed accordingly.

(6) In this paragraph “lease” includes underlease.

Machinery and plant

12 (1) Nothing in—

- (a) section 51(1) of the Capital Allowances Act 1990, so far as preventing a person being entitled to an allowance in respect of machinery or plant treated as belonging to another person,
- (b) section 52(2) of that Act, or
- (c) section 60 of that Act,

shall, by reason only of any provision made by or under a PPP agreement, affect the entitlement of any company to capital allowances in respect of capital expenditure incurred by it.

(2) Where, in accordance with any provision made by or under a PPP agreement, any machinery or plant in respect of which a company has been entitled to allowances under Part II of the Capital Allowances Act 1990 falls to be transferred, on the expiration of the term of the PPP agreement, from the company—

- (a) to a relevant body, or
- (b) to such other body or person as a relevant body may specify in accordance with the PPP agreement,

the disposal constituted by that transfer shall be deemed for the purposes of that Part to be for a nil consideration, notwithstanding section 26(1)(f) of that Act.

Sale and leaseback

13 (1) Neither section 779 (limitation on tax reliefs) nor section 782 (leased assets: special cases) of the Income and Corporation Taxes Act 1988 shall apply to any payment which falls to be made under a PPP agreement.

(2) Section 781 of that Act (assets leased to traders and others) shall not apply to, or by reason of, any such payment.

SCHEDULE 34

Section 423.

ENACTMENTS REPEALED

PART I

FINANCIAL PROVISIONS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
9 & 10 Eliz. 2 c. 62.	The Trustee Investments Act 1961.	In Schedule 1, in Part II, in paragraph 9(d), the words “the Receiver for the

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Metropolitan Police District or”.
1965 c. 63.	The Public Works Loans Act 1965.	In section 2(1)(a), the word “and” immediately preceding sub-paragraph (iii).
1968 c. 13.	The National Loans Act 1968.	In Schedule 4, in paragraph 1, in paragraph (a) of the definition of “local authority”, the word “and” immediately preceding sub-paragraph (iii).
1972 c. 70.	The Local Government Act 1972.	In section 168(5), the word “and” at the end of paragraph (b).
1982 c. 41.	The Stock Transfer Act 1982.	In Schedule 1, paragraph 7(1)(c) and the word “or” immediately preceding it.
1988 c. 41.	The Local Government Finance Act 1988.	In section 47(9)(b), the words “the Receiver for the Metropolitan Police District or”.
		In section 111(3), the word “and”.
1989 c. 42.	The Local Government and Housing Act 1989.	In section 39(3), paragraph (e) and the word “or” immediately preceding it. Section 155(4)(f). Section 157(6)(f).
1992 c. 14.	The Local Government Finance Act 1992.	Section 19(3)(e). Section 39(1)(e) and (f). In section 43(5A), paragraph (b) and the word “and” immediately preceding it. In section 46, subsections (2)(d), (3)(d) and (4). In section 53(1), the words “other than the Receiver for the Metropolitan Police District”. In section 65(3), the words “other than the Receiver

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		for the Metropolitan Police District”.
		In Schedule 4, in paragraph 5(8)(a), the words “other than the Receiver for the Metropolitan Police District”.
1999 c. 22.	The Access to Justice Act 1999.	In Schedule 10, paragraph 40.

PART II

TRANSPORT FOR LONDON AND LONDON REGIONAL TRANSPORT

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
10 & 11 Eliz. 2 c. 46.	The Transport Act 1962.	Section 67(2A). Section 67(15)(b). In section 67(16), the words “and London Regional Transport”.
1984 c. 32.	The London Regional Transport Act 1984.	The whole Act.
1985 c. 67.	The Transport Act 1985.	Part II. Section 107.
1988 c. 41.	The Local Government Finance Act 1988.	In section 88(2), paragraphs (c) and (d).
1992 c. xvi.	The London Regional Transport (Penalty Fares) Act 1992.	The whole Act.
1993 c. 43.	The Railways Act 1993.	Section 2(1).

PART III

RAILWAYS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1993 c. viii.	The London Docklands Railway (Lewisham) (No.2) Act 1993.	Section 3(3) and (6).
1994 c. xi.	The Croydon Tramlink Act 1994.	In section 50, subsection (3), in subsection (7), the words

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		from “and to such person” onwards and subsection (9).

PART IV

THE TRANSPORT USERS' COMMITTEE

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1974 c. 7.	The Local Government Act 1974.	In section 25(1), the word “and” preceding paragraph (d).

PART V

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
32 & 33 Vict. c.115.	The Metropolitan Public Carriage Act 1869.	In section 7, the words “by the said Secretary of State”.
1968 c. 7.	The London Cab Act 1968.	In section 2(3), the words from “and shall be exercisable” to the end of the subsection. In section 4A(3), the words from “and shall be exercisable” to the end of the subsection.
1981 c. 56.	The Transport Act 1981.	Section 35(1) and (2).
1985 c. 67.	The Transport Act 1985.	In section 10, in subsection (5)(c), the words “if made otherwise than by the Secretary of State”, in subsection (8), the words “Except in the case of a scheme made by the Secretary of State,” and subsection (10).
1989 c. 43.	The Statute Law (Repeals) Act 1989.	In Schedule 2, in Part II, paragraph 7.
1998 c. 34.	The Private Hire Vehicles (London) Act 1998.	Section 38.

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

PART VI

HIGHWAYS AND TRAFFIC CONTROL

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1980 c. 66.	The Highways Act 1980.	Section 90E(3).
1984 c. 27.	The Road Traffic Regulation Act 1984.	Sections 12 and 13. In section 26(4)(a), the words “and the commissioner of police of the metropolis”, “or him” and “or metropolitan police district”. Section 27. In section 45(1), in the second paragraph, the words “outside Greater London”. In section 55(4), the word “and” immediately preceding paragraph (d). In section 73(1), the words “in their area”. Section 76.
1985 c. 51.	The Local Government Act 1985.	In Schedule 4, paragraph 53. In Schedule 5, paragraph 5. In Schedule 5, in paragraph 6, in sub-paragraph (1) the words “Greater London or” and “Greater London or, as the case may be,” and paragraph (a), sub-paragraph (2)(b) and the word “and” immediately preceding it, in sub-paragraph (3) the words from the beginning to “(1) (a) above, and”, in sub-paragraph (4) the words “a London borough or” and “Greater London or, as the case may be,” in sub-paragraph (6)(a) the words “London borough or” and sub-paragraph (7).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Schedule 5, in paragraph 7(2), the words “London borough or”.
		In Schedule 5, in paragraph 10(1) and (7) the words “Greater London or”.
		In Schedule 5, in paragraph 11, the words “London borough or”.
		In Schedule 5, in paragraph 12, in sub-paragraph (1) the words “or the Greater London Council”, sub-paragraph (2)(b) and the word “and” immediately preceding it, and sub-paragraph (3)(a).
		In Schedule 5, in paragraph 13, in paragraph (c) the words “or London borough” and paragraph (d) and the word “and” immediately preceding it.
1991 c. 40.	The Road Traffic Act 1991.	Sections 50 to 63. In section 73(2), the words “and section 74 of this Act”. Section 80. Schedule 5.

PART VII

THE METROPOLITAN POLICE

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
10 Geo. 4 c. 44.	The Metropolitan Police Act 1829.	Section 1. Sections 4 and 5. Sections 10 to 12. Section 22.
19 & 20 Vict. c. 2.	The Metropolitan Police Act 1856.	Section 2. Sections 6 to 8.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
24 & 25 Vict. c. 124.	The Metropolitan Police (Receiver) Act 1861.	Section 1 Section 5. Section 9.
30 & 31 Vict. c. 39.	The Metropolitan Police (Receiver) Act 1867.	Section 1.
49 & 50 Vict. c. 22.	The Metropolitan Police Act 1886.	Section 2. Section 4. Sections 6 and 7.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	In section 9, in the definition of the expression “compensation authority” paragraph (b) and, in paragraph (c), the word “other”.
50 & 51 Vict. c. 45.	The Metropolitan Police Act 1887.	The whole Act.
58 & 59 Vict. c. 12.	The Metropolitan Police (Receiver) Act 1895.	The whole Act.
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	The whole Act.
60 & 61 Vict. c. 30.	The Police (Property) Act 1897.	In section 2(2B), in paragraph (a), the words “listed in Schedule 1 to the Police Act 1996 or the City of London police area”, and paragraph (b).
62 & 63 Vict. c. 26.	The Metropolitan Police Act 1899.	Section 1.
9 Edw. 7 c. 40.	The Police Act 1909.	Section 1.
26 Geo. 5 & 1 Edw. 8 c. 47.	The Crown Lands Act 1936.	In section 1, the proviso to subsection (4). In section 3, in subsection (1), the words “or offices for the metropolitan police” and subsection (2).
2 & 3 Geo. 6 c. xcvii.	The London Building Acts (Amendment) Act 1939.	Section 151(1)(bb).
11 & 12 Geo. 6 c. 26.	The Local Government Act 1948.	Section 121.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
7 & 8 Eliz. 2 c. 45.	The Metropolitan Magistrates' Courts Act 1959.	In section 4(2), the words “, or of the metropolitan police force,”.
1964 c. 42.	The Administration of Justice Act 1964.	In section 38(1), the definition of “the Receiver”.
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(5)(a), the word “and” where second occurring.
1968 c. 27.	The Firearms Act 1968.	In section 57(4), paragraph (b) and the word “or” immediately preceding it.
1972 c. 70.	The Local Government Act 1972.	In section 107(1)(a), the words “other than the Secretary of State”. In section 146A(1), the word “and” where first occurring.
1974 c. 7.	The Local Government Act 1974.	In section 1(6), paragraph (a) and the words “of the Receiver for the Metropolitan Police District or”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, the entries relating to the offices of Commissioner or Assistant Commissioner of Police of the Metropolis, officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and Receiver for the Metropolitan Police District.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entries relating to the offices of Commissioner or Assistant Commissioner of Police of the Metropolis, officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and Receiver for the Metropolitan Police District.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 54, in subsection (1), the words

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		“and the Receiver”; subsection (7)(a); in subsection (9), paragraph (b) and the word “plus” immediately preceding it; in subsection (10) the words “of the Receiver or”; and subsection (11).
1982 c. 36.	The Aviation Security Act 1982.	Section 26(4). In section 29(2)(a), the words from “(or,” to “metropolis”. Section 29(3). In section 30(3)(c), the words from “or, if that area is the metropolitan” onwards. In section 31(1), the definition of “members of the metropolitan civil staffs”.
1982 c. 50.	The Insurance Companies Act 1982.	In Schedule 2, in Part I, in entry number 1, in the third column, the words “or section 2 of the Police (Insurance of Voluntary Assistants) Act 1997”.
1984 c. 27.	The Road Traffic Regulation Act 1984.	In section 97, in subsection (1), the words “employed outside the metropolitan police district” and subsection (4).
1984 c. 33.	The Rates Act 1984.	In section 1(4)(a), the words “or by the Receiver for the Metropolitan Police District”.
1988 c. 41.	The Local Government Finance Act 1988.	Section 126(5).
1988 c. 52.	The Road Traffic Act 1988.	Section 124(3). In section 144(2)(b) the words “or the Receiver for the Metropolitan Police District” and “or employed by the Receiver”.
1990 c. 8.	The Town and Country Planning Act 1990.	In section 336(1), in paragraph (a) of the definition of “local authority” the words “(except the

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Receiver for the Metropolitan Police District”.
1994 c. 23.	The Value Added Tax Act 1994.	In section 33(3)(f), the words “and the Receiver for the Metropolitan Police District”.
1996 c. 16.	The Police Act 1996.	In section 1(3), the words “but excluding any part of it within the metropolitan police district”. Section 22(7). Section 25(2). Section 26(7). Section 28(4). In section 29, paragraph (a) and, in paragraph (b), the words “in any other case”. In section 32, in subsection (3)(a), the words “(other than the metropolitan police district)” and subsection (5). In section 33(1)(a), the words “(other than the metropolitan police authority)”. Section 44(5). In section 55(3)(a) and (6), the words “(except where he is himself the police authority)”. In section 65, in the definition of “the appropriate authority”, paragraph (a) and the word “other” in paragraph (b). Section 93(3). In section 95, in the words preceding paragraph (a), the words “the metropolitan police fund and” and “respectively (subject, in the case of the metropolitan police fund, to the approval of the Secretary of State)”, in paragraph (a), the words “the

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		metropolitan police district or” and, in paragraph (b), the words “the metropolitan police force or”.
		Section 96(3) to (5).
		In section 101, in the definition of “police fund”, paragraph (b).
		In Schedule 2, paragraphs 4(2), 12 and 26(2).
		In Schedule 6, in paragraph 2(1)(b), the words from “or” onwards.
1997 c. 45.	The Police (Insurance of Voluntary Assistants) Act 1997.	Sections 2 and 3.
1997 c. 50.	The Police Act 1997.	In section 119(3), the words “or, in the case of the metropolitan police force, the Receiver for the Metropolitan Police District.”.
		In Schedule 1, paragraphs 5, 8(4) and 10(4).
		In Schedule 3, paragraph 1(6)(b) and the word “or” preceding it.
		In Schedule 5, paragraph 1(6)(b) and the word “or” preceding it.
1997 c. 65.	The Local Government (Contracts) Act 1997.	Section 1(3)(c).

PART VIII

THE FIRE ETC AUTHORITY

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	In section 44(1), the word “and” in paragraph (a) of the definition of “local authority”.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 98(8A), the word “and” at the end of paragraph (d).
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In section 45(2), the word “and” at the end of each of paragraphs (b) and (bb).
1985 c. 51.	The Local Government Act 1985.	Section 27. Section 30(2)(a). In Schedule 10, Part I.
1985 c. 68.	The Housing Act 1985.	In section 4(e), the word “and” where it occurs after “Police Act 1996”.
1985 c. 70.	The Landlord and Tenant Act 1985.	In section 38, in the definition of “local authority”, the word “and” immediately preceding “joint authority”.
1987 c. 6.	The Local Government Finance Act 1987.	In Schedule 2, in paragraph 6(5), the words “or the London Fire and Civil Defence Authority”.
1988 c. 41.	The Local Government Finance Act 1988.	Section 111(2)(h).
1988 c. 50.	The Housing Act 1988.	In section 74(8), the word “and” at the end of paragraph (e).
1989 c. 42.	The Local Government and Housing Act 1989.	In section 152(2), the word “and” at the end of paragraph (l).
1995 c. x.	The London Local Authorities Act 1995.	Section 44.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	In section 3(2), the word “or” at the end of paragraph (i).

PART IX

MISCELLANEOUS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
7 & 8 Vict. c. 60.	The Trafalgar Square Act 1844.	In section 2, the words from “by and out of such

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1974 c. 7.	The Local Government Act 1974.	Monies” to “by Authority of Parliament”.
1985 c. 51.	The Local Government Act 1985.	In section 25(1), the word “and” at the end of paragraph (cb).
1990 c. 8.	The Town and Country Planning Act 1990.	In section 88, in subsection (1), the words “Greater London or” and subsection (12)(a).
1994 c. 40.	The Deregulation and Contracting Out Act 1994.	Section 3.
		In section 70(1)(b), the word “or” where first occurring.
