



# Transport for London Act 2016

## 2016 CHAPTER i

### **4 Power to give security for monies borrowed etc.**

- (1) Section 164(a) of the 1999 Act (control of subsidiaries) does not apply to the things specified in subsection (2) which are done with the consent of the Mayor by a TfL subsidiary, even though TfL itself has no power to do them because of section 13 of the Local Government Act 2003 (security for money borrowed).
- (2) Those things are the charging by a TfL subsidiary of all or any of its property as security for money which it borrows or which it otherwise owes or the payment of which it guarantees, or in respect of which it gives an indemnity, including the creation of priority as between charges.
- (3) Where the charge was created by a company before the time at which it becomes a TfL subsidiary, the charge shall continue to have effect according to its terms and subject to the consent of the Mayor, as security for money borrowed or otherwise owed by it or the payment of which it has guaranteed, or in respect of which it has given an indemnity, immediately before that time.
- (4) For the purposes of subsection (3) the charge may continue to have effect as regards the company's property, whether the property charged is acquired before, or after, the company becomes a TfL subsidiary.
- (5) Where property is charged at any time pursuant to subsection (1) the charge shall not take priority over any other charge over that property which is in existence before that time, unless the person entitled to the benefit of that other charge consents.
- (6) Except for the property identified in the Schedule to this Act, a TfL subsidiary may not charge any property for any of the purposes mentioned in subsection (2) without the consent of the Secretary of State.
- (7) In this section—
  - “acquire”, in relation to revenue, includes generate;
  - “charge” includes mortgage and includes a charge by way of a fixed or floating charge over all or any part of the TfL subsidiary's property;
  - “property” includes revenue and rights;

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**Status:** *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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“revenue” includes future revenue;  
“rights” includes rights to property; and  
“TfL subsidiary” means a subsidiary of TfL.