



Transport for London Act 2008

2008 CHAPTER i

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the Transport for London Act 2008 and, except for—
sections 17 to 21 and Schedules 1 and 2 (fixed penalties);
section 23 (production of London PHV driver's badge);
section 24 (return of licences etc. on suspension or revocation);
section 25 (obligation of London operators to keep records); and
section 27 (penalty fare levels),
shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) The provisions mentioned in subsection (1) shall come into operation on the appointed day.

2 General interpretation

In this Act—

- “the 1980 Act” means the Highways Act [1980 \(c. 66\)](#);
“the 1998 Act” means the Private Hire Vehicles (London) Act [1998 \(c. 34\)](#);
“the 1999 Act” means the Greater London Authority Act 1999;
“enactment” includes any instrument made under an Act;
“local authority” means—
(a) a London borough council; or
(b) the Common Council of the City of London;
“Mayor” means the Mayor of London;
“subsidiary” has the meaning given by section 1159 of the Companies Act [2006 \(c. 46\)](#); and

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“TfL” means Transport for London.

3 Appointed day

- (1) In subsection (2) of section 1 (citation and commencement) of this Act “the appointed day” means such day as may be fixed by a decision of TfL, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for different provisions.
- (3) No day fixed under this section may be before the end of the period of two months beginning with the date on which this Act is passed.
- (4) TfL shall cause to be published in a newspaper circulating in London and in the London Gazette notice—
 - (a) of the taking of any such decision and of a day fixed thereby; and
 - (b) of the general effect of the provisions of this Act coming into operation as from that day,and the day so fixed shall not be earlier than the expiration of three months from the publication of the notice or, if it is published on two days, from the later of those days.
- (5) Either a photostatic or other reproduction certified by the officer appointed for that purpose by TfL to be a reproduction of a page or part of a page of any such newspaper or the London Gazette bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice and of the date of publication.

PART 2

ROAD USER CHARGING

4 Interpretation of Part 2

Expressions used in this Part and in Schedule 23 to the 1999 Act have the same meaning in this Part as in that Schedule.

5 Contravention of requirement of TfL scheme

- (1) Subject to subsection (2), a TfL scheme may provide that any person who, without reasonable excuse, contravenes or fails to comply with any specified requirement of the scheme shall be liable on summary conviction to a fine for each offence not exceeding level 2 on the standard scale or not exceeding a lesser amount; but such a provision—
 - (a) shall not have effect unless and until it has been approved by the Secretary of State, and
 - (b) shall not apply in relation to anything done before the provision comes into effect.
- (2) Subsection (1) shall not authorise the creation of an offence which consists only of—
 - (a) a failure to pay a charge or penalty charge imposed by a TfL scheme, or
 - (b) any other contravention or failure to comply with a requirement of a TfL scheme for which a penalty charge imposed by or under regulations made under paragraph 12 of Schedule 23 to the 1999 Act is payable.

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- (3) Nothing in this section shall affect the operation of section 8 (failure to notify changes in eligibility for exemptions etc.) or paragraph 25 or 27 of Schedule 23 to the 1999 Act (specific offences relating to road user charging).

6 Extension of power to include enforcement provisions in TfL scheme

- (1) Notwithstanding paragraph 31 of Schedule 23 to the 1999 Act, a TfL scheme may authorise—
- (a) the examination, for any purpose relating to or connected with a TfL scheme, of a motor vehicle found in a charging area, or
 - (b) the fitting of an immobilisation device to, or the removal of, a motor vehicle found in such an area,
- at a time at which the vehicle is on a public off-street parking place as well as at a time at which the vehicle is on a road.
- (2) The powers conferred by the Charges and Penalty Charges Regulations on TfL, or for a TfL scheme to make provision for TfL, to examine, enter, immobilise or remove any vehicle which is on a road are also exercisable in respect of any vehicle which is on a public off-street parking place.
- (3) Accordingly, the Charges and Penalty Charges Regulations, so far as they relate to TfL or a TfL scheme, shall have effect as if—
- (a) the reference in regulation 8(1) to a vehicle which is on a road included a reference to a vehicle which is on a public off-street parking place;
 - (b) the references in regulations 10(1) and 12(1) to a vehicle which is stationary on a road in a charging area included references to a vehicle which is stationary on a public off-street parking place in a charging area;
 - (c) the references in regulations 10(1)(a) and 12(1)(a) to “that road” were references to a road in a charging area; and
 - (d) the reference in regulation 10(2)(b) to “another place on that road or another road” were a reference to another place on a road.
- (4) TfL may not enter a public off-street parking place for the purpose of exercising any powers conferred on TfL by the Charges and Penalty Charges Regulations, or a TfL scheme, by virtue of this section to examine, enter, immobilise or remove any vehicle there without obtaining the prior consent of the operator.
- (5) For the purposes of subsection (4) an operator’s consent may be given to enter a public off-street parking place—
- (a) on a specific occasion; or
 - (b) generally.
- (6) An operator’s consent required under subsection (4) is not to be unreasonably withheld but may be given subject to any reasonable conditions.
- (7) Without prejudice to the generality of subsection (6), it is reasonable for consent to be given subject to conditions requiring TfL to reimburse the operator in respect of any loss of revenue, damage or other liability sustained as a result of the immobilisation or removal of any vehicle by TfL or the taking by TfL of any other action by virtue of this section.
- (8) The owner, keeper or driver of a vehicle in a public off-street parking place which is immobilised or removed in accordance with the Charges and Penalty Charges

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Regulations, as they have effect in accordance with this section, shall not be required by the operator to pay any car parking charges or penalty additional to those already paid, or due to be paid, to the operator at the time that the vehicle was immobilised or removed.

- (9) Where the powers conferred by the Charges and Penalty Charges Regulations are exercised pursuant to this section the notice required by regulation 10(3) shall summarise the effects of subsection (8).
- (10) Unless the operator and TfL agree otherwise, TfL shall (whether or not conditions are imposed under subsection (6)) reimburse the operator in respect of any losses sustained as a result of the operation of subsection (8).
- (11) Consent to enter a public off-street parking place on a specific occasion shall be deemed to have been given unconditionally for the purposes of subsection (4) if—
 - (a) TfL has served a notice on the operator asking for consent to enter on that occasion and summarising the effect of subsections (8) and (10); and
 - (b) the operator fails within 14 days of the service of the notice to give TfL notice of his consent (whether or not subject to conditions) or his refusal to give it.
- (12) At least 7 days before entering a public off-street parking place in accordance with subsection (11) TfL shall take reasonable steps to ascertain whether the operator has received the notice served under subsection (11)(a).
- (13) Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.
- (14) In this section—
 - (a) “the Charges and Penalty Charges Regulations” means the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 ([S.I. 2001/2285](#));
 - (b) “public off-street parking place” means a place, whether above or below ground and whether or not consisting of or including buildings, where off-street parking accommodation is made available by a local authority or any other person to the public (whether or not for payment); and
 - (c) any reference to the operator of such a parking place is a reference to the local authority or other person making such parking accommodation at the parking place so available.

7 Power to suspend TfL scheme

Where it appears to TfL to be desirable or expedient TfL may suspend or partially suspend the operation of a TfL scheme for such period or periods as TfL thinks fit.

8 Failure to notify changes in eligibility for exemptions etc.

- (1) This section applies where a TfL scheme—
 - (a) makes provision for the maintenance of a register of non-chargeable, reduced rate and qualifying person’s motor vehicles for the purposes of provisions in the scheme relating to—
 - (i) exemptions from charge,

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- (ii) the application of reduced rates of charge, or
 - (iii) the imposition of limits on the charges payable,in the case of any particular class of motor vehicles or descriptions of persons; and
 - (b) requires the registered keeper of the motor vehicle or qualifying person in relation to whom particulars of the vehicle are entered on the register to notify TfL if the vehicle has ceased to be a non-chargeable vehicle, a reduced rate vehicle or a qualifying person's vehicle for the purposes of those provisions.
- (2) In subsection (1) “qualifying person”, in relation to a TfL scheme, means a person who qualifies for an exemption from charge, a reduced rate of charge or a limit on the charge payable.
- (3) Where this section applies, any person who, without reasonable excuse, fails to comply with the requirement referred to in subsection (1)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) This section shall not apply in relation to anything done before this section comes into force.

PART 3

LONDON CABS AND PRIVATE HIRE VEHICLES

London cabs: general provisions

9 Power to designate directional taxi ranks

- (1) TfL may by London cab order designate any standing for hackney carriages appointed under section 4 of the London Hackney Carriages Act 1850 (c. 7) to be a directional taxi rank—
- (a) at all times; or
 - (b) for such times of the day, days or other periods as may be specified in the order.
- (2) Where TfL designates a directional taxi rank, TfL shall cause a sign to be displayed at the rank clearly indicating—
- (a) the direction or directions in which the drivers of vehicles plying for hire at that rank are required to travel if so requested by any person wishing to hire the vehicle in question; and
 - (b) the times, days or other periods for which the rank is designated to be a directional taxi rank.
- (3) Notwithstanding section 35 of the London Hackney Carriage Act 1831 (c. 22) and section 17 of the London Hackney Carriage Act 1853 (c. 33), the driver of a hackney carriage plying for hire at a directional taxi rank may refuse to drive his vehicle in a direction which is not the specified direction or, where more than one direction is specified, which is not one of the specified directions.
- (4) Where it appears to TfL to be desirable or expedient TfL may suspend the operation of a designation under this section for such period or periods as TfL thinks fit.
- (5) In this section—

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“directional taxi rank” means a standing for hackney carriages whose drivers are plying for hire only for journeys in a specified direction or in one of several specified directions;

“London cab order” means an order made under section 9 of the Metropolitan Public Carriage Act 1869 (c. 115); and

“specified direction”, in relation to a directional taxi rank, means the direction (or any of the directions) specified in the designation relating to that rank.

10 Power to designate rest ranks

- (1) TfL may by London cab order designate any standing (or part of a standing) for hackney carriages appointed under section 4 of the London Hackney Carriages Act 1850 (c. 7) to be a rest rank—
 - (a) at all times; or
 - (b) for such times of the day, days or other periods as may be specified in the order.
- (2) TfL may by London cab order prescribe the maximum length of time during which a hackney carriage may stand at a rest rank; and different maximum lengths of time may be prescribed—
 - (a) for different rest ranks; or
 - (b) for different times of the day, days or other periods.
- (3) Where TfL designates a rest rank, TfL shall cause a sign to be displayed at the rank clearly indicating that the rank (or the relevant part of it) is a rest rank.
- (4) Notwithstanding section 35 of the London Hackney Carriage Act 1831 (c. 22) and section 17 of the London Hackney Carriage Act 1853 (c. 33), the driver of a hackney carriage which is standing at a rest rank shall not be deemed to be plying for hire and, accordingly, may not be compelled to drive his vehicle to any place by any person wishing to hire it.
- (5) Where it appears to TfL to be desirable or expedient TfL may suspend the operation of a designation under this section for such period or periods as TfL thinks fit.
- (6) In this section “London cab order” means an order made under section 9 of the Metropolitan Public Carriage Act 1869 (c. 115).

11 Taxi drivers' badges

- (1) In section 8 of the London Hackney Carriages Act 1843 (c. 86) (metal ticket to be issued to licensed driver of hackney carriage)—
 - (a) for “metal ticket” substitute “badge”, and
 - (b) omit “or engraved”.
- (2) In sections 10, 17, 18, 19, 25 and 27, for “ticket”, in each case where that word occurs, substitute “badge”.

12 Public register of cab licences not to include holders' addresses

- (1) Section 16 of the London Hackney Carriages Act 1843 shall be amended as follows.
- (2) Re-number the existing provision subsection (1).

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(3) In that subsection, after “may be founded; and” insert “, subject to subsection (2),”.

(4) After that subsection, insert—

“(2) Transport for London may disclose the address of a licensed person to any person only if it appears to Transport for London that the person has a sufficient reason for requiring that information.”.

13 Cost of replacement badges

In section 19 of the London Hackney Carriages Act 1843 (cost of replacement badge to be such sum, not exceeding 15p, as TfL shall from time to time appoint) for “, not exceeding 15p, as Transport for London shall from time to time appoint” substitute “as Transport for London shall consider reasonable”.

14 Time limit for making complaints

In section 38 of the London Hackney Carriages Act 1843 (complaints to be made within 7 days) and in the heading to that section for “seven” substitute “twenty eight”.

15 Fares for journeys ending outside London

(1) After subsection (3) of section 1 of the London Cab and Stage Carriage Act 1907 (c. 55) (fares for taximeter cabs) insert—

“(4) The fare for a cab journey starting within London but ending outside London shall be—

- (a) such fare as may be agreed between the driver and the passenger—
 - (i) before the commencement of the journey, or
 - (ii) where, after the commencement of the journey, the driver and the passenger agree to change the destination of the journey, at the time when the destination of the journey is changed, or
- (b) if no fare is so agreed, the fare shown on the taximeter.

(5) A driver of a cab who demands or takes more than the proper fare for a journey undertaken as mentioned in subsection (4) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) Nothing in this section shall affect the operation of section 35 of the London Hackney Carriage Act 1831 (c. 22), sections 7 and 17 of the London Hackney Carriage Act 1853 (c. 33) or any other enactment which makes provision as regards the obligation of drivers of hackney carriages to drive their vehicles on certain journeys if so requested by persons wishing to hire them.

16 Unfit cabs

(1) Section 2 of the London Hackney Carriage Act 1853 (service of notice on proprietor of unfit cab and suspension of licence) shall be amended as follows.

(2) Re-number the existing provision subsection (1).

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- (3) In that subsection, for the words from “which notice shall be personally served” to “horses whilst in a condition unfit for public use” substitute “which notice—
- (a) shall be personally served on the proprietor or delivered at his usual place of residence, and
 - (b) may be personally served on the driver of the carriage;

and if, after notice has been served on the proprietor or driver as mentioned in paragraph (a) or (b), the carriage is used or let to hire as a hackney carriage, or the horse is, or the horses are, used or let, whilst in a condition unfit for public use.”.

- (4) After that subsection, insert—

“(2) A proprietor of a hackney carriage whose licence is suspended under subsection (1) shall not be guilty of an offence under section 7 of the Metropolitan Public Carriage Act 1869 (c. 115) in respect of the carriage unless he has been given written notice in accordance with subsection (1).”.

London cabs and private hire vehicles: fixed penalties

17 Fixed penalty cab and private hire vehicle offences

- (1) Where on any occasion an authorised officer finds a person who he has reason to believe has on that occasion committed an offence under any of the enactments—
- (a) specified in columns (1) and (2) of the table set out in Schedule 1 to this Act; and
 - (b) described in column (3) of that table;
- the authorised officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) Sections 18 to 21 (fixed penalties) shall apply in respect of fixed penalty notices under this section.
- (3) Schedule 2 to this Act shall have effect with respect to financial provisions relating to the administration and enforcement of this section and sections 18 to 21 (fixed penalties).
- (4) In subsection (1) “authorised officer” means a person authorised in writing by TfL for the purposes of sections 17 to 21 of this Act.

18 Power to amend Schedule 1

- (1) The Secretary of State may, after consulting—
- (a) the Mayor,
 - (b) the Greater London Assembly,
 - (c) TfL,
 - (d) every London borough council,
 - (e) the Common Council of the City of London, and
 - (f) such bodies or persons as appear to him to be representative of persons who would be affected by the proposed regulations,

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by regulations, amend Schedule 1 to this Act by adding a relevant offence to, or removing a relevant offence from, the offences for the time being mentioned in the table set out in that Schedule.

- (2) In subsection (1) “relevant offence” means an offence under an enactment regulating hackney carriages or private hire vehicles in London or the drivers, proprietors or operators of such carriages or vehicles.

19 Fixed penalty notices

- (1) The provisions of this section shall have effect in relation to notices (“fixed penalty notices”) which may be given under section 17 (fixed penalty cab and private hire vehicle offences).
- (2) Where a person is given a fixed penalty notice in respect of an offence—
- (a) no proceedings shall be instituted for that offence before the expiration of 28 days following the date of the notice;
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period; and
 - (c) in the case of an offence in respect of which (but for this paragraph) section 38 of the London Hackney Carriages Act 1843 (c. 86) (which as amended by section 14 (time limit for making complaints) requires complaints for certain offences to be made within 28 days) applies, proceedings may (notwithstanding that section) be instituted for that offence until the expiration of 42 days following the date of the notice.
- (3) A fixed penalty notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
- (a) the period during which, by virtue of subsection (2), proceedings will not be taken for the offence;
 - (b) the amount of the fixed penalty;
 - (c) the name of the person to whom and the address at which the fixed penalty may be paid; and
 - (d) the consequences of not making any payment within the period for payment; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by regulations prescribe.
- (6) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to TfL.
- (7) In any proceedings a certificate which—
- (a) purports to be signed by or on behalf of the chief finance officer of TfL; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

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shall be evidence of the facts stated.

20 Levels of fixed penalties

- (1) It shall be the duty of TfL to set the levels of fixed penalties payable to TfL.
- (2) Different levels may be set for different cases or classes of case.
- (3) In setting the level of fixed penalty under subsection (1) TfL shall take into account the maximum fine for the particular fixed penalty offence in question and may take account of—
 - (a) any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and
 - (b) the cost or expected cost of enforcing the provisions of the relevant enactment.
- (4) Levels of fixed penalties set by TfL in accordance with this section may only come into force in accordance with section 21 (fixed penalties: reserve powers of Secretary of State).
- (5) TfL shall publish, in such manner as the Mayor may determine, the levels of fixed penalties which have been set by TfL in accordance with this section.

21 Fixed penalties: reserve powers of Secretary of State

- (1) Where TfL sets any levels of fixed penalties under subsection (1) of section 20 (levels of fixed penalties), TfL shall notify the Secretary of State of the levels of fixed penalties so set.
- (2) Where notification of any levels of fixed penalties is required to be given under subsection (1), the levels of fixed penalties shall not come into force until after the expiration of—
 - (a) the period of one month beginning with the day on which the notification is given; or
 - (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiration of that period, the Secretary of State gives notice to TfL that he objects to the levels of fixed penalties on the grounds that some or all of them are or may be excessive, those levels of fixed penalties shall not come into force unless and until the objection has been withdrawn.
- (4) If, at any time before the levels of fixed penalties required to be notified under subsection (1) to the Secretary of State have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of fixed penalties.
- (5) Levels of fixed penalties set under subsection (4) must be no higher than those notified under subsection (1).
- (6) Where the Secretary of State makes any such regulations TfL must not set any further fixed penalties under subsection (1) until after the expiration of the period of 12 months beginning with the day on which the regulations are made.

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22 Regulations

Any power to make regulations under section 18, 19 or 21—

- (a) includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances, and
- (b) shall be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Private hire vehicles

23 Production of London PHV driver's badge

- (1) In section 14(3) of the 1998 Act (obligation of driver of London private hire vehicle to wear badge) before “wear the badge in such position and manner as to be plainly and distinctly visible” insert “(a)” and after those words insert “and—
 - (b) at the request of any person, produce the badge for inspection.”.”
- (2) In section 14(4) of the 1998 Act (power of TfL to exempt a driver from a requirement to wear his badge) for “subsection (3)” insert “subsection (3)(a)”.

24 Return of licences etc. on suspension or revocation

- (1) Section 22 of the 1998 Act (return of licences etc.) shall be amended as follows.
- (2) In subsection (1), at the beginning insert “Without prejudice to subsection (1A),”.
- (3) After subsection (1) insert—

“(1A) Where the suspension or revocation of a London PHV operator's licence has immediate effect by virtue of section 17(2), the holder of the licence shall, at the request of a constable or authorised officer, forthwith return the licence to the constable or officer.”.
- (4) In subsection (2)—
 - (a) at the beginning insert “Without prejudice to subsection (2A),”;
 - (b) for “the plate or disc” substitute “every plate or disc”; and
 - (c) after “section 10” insert “or any regulations made under this Act”.
- (5) After subsection (2) insert—

“(2A) Where the suspension or revocation of a London PHV licence has immediate effect by virtue of section 9(3) or 17(2), the owner of the vehicle to which the licence relates shall, at the request of a constable or authorised officer, forthwith return to the constable or officer the licence and every plate or disc which was issued for the vehicle under section 10 or any regulations made under this Act.”.
- (6) In subsection (3), at the beginning insert “Without prejudice to subsection (3A),”.
- (7) After subsection (3) insert—

“(3A) Where the suspension or revocation of a London PHV driver's licence has immediate effect by virtue of section 17(2), the holder of the licence shall, at

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the request of a constable or authorised officer, forthwith return his driver’s badge to the constable or officer.”.

- (8) In subsection (4)—
- (a) at the beginning insert “Without prejudice to subsections (1A), (2A) and (3A),”; and
 - (b) in paragraph (a), for “the disc or plate” substitute “every disc or plate” and after “section 10” insert “or any regulations made under this Act”.
- (9) In subsection (7), for “the plate or disc” substitute “every disc or plate”.

25 **Obligation of London operators to keep records**

In section 4(3) of the 1998 Act (records to be kept by London operators), for paragraph (d) substitute—

- “(d) keep at the specified operating centre or, where more than one operating centre is specified, at one of the operating centres such records as may be prescribed of particulars of the private hire vehicles and drivers which are available to him for carrying out bookings accepted by him at that or, as the case may be, each centre;
- (da) where more than one operating centre is specified—
 - (i) give notice to the licensing authority, and
 - (ii) display at each specified operating centre a notice, stating the address of the operating centre at which the records are kept under paragraph (d);”.

26 **Public register of licences not to include holders' addresses**

- (1) Section 23 of the 1998 Act (particulars to be kept in public register of licences) shall be amended as follows.
- (2) In subsection (1)(a), leave out “and address”.
- (3) In subsection (2), after “the register” insert “kept under subsection (1)”.
- (4) After subsection (2) insert—
- “(3) The licensing authority shall maintain a supplementary register containing, for each licence issued under this Act, the address of the person to whom it is granted.
 - (4) The licensing authority may disclose the address of a licence holder to any person only if it appears to the authority that the person has a sufficient reason for requiring that information.”.

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PART 4

SURFACE TRANSPORT

27 Penalty fare levels

- (1) Paragraph 5 of Schedule 17 to the 1999 Act (penalty fare levels) shall be amended as follows.
- (2) For sub-paragraph (1) substitute—
 - “(1) Subject to sub-paragraph (2) below, a penalty fare shall be—
 - (a) in respect of any journey on a local service—
 - (i) £50 except where sub-paragraph (ii) below applies, or
 - (ii) £25 if it is paid before the end of the period of 21 days beginning with the day following the day on which the journey is completed; and
 - (b) in respect of any train journey—
 - (i) £50 except where sub-paragraph (ii) below applies, or
 - (ii) £25 if it is paid before the end of the period of 21 days beginning with the day following the day on which the journey is completed,and shall in all cases be payable to the person providing the service on which the requirement to pay the relevant fare is made.”.
- (3) In sub-paragraph (2) (power of Mayor to alter amounts of penalty fares) for “either or both of the cases” substitute “any case”.
- (4) The amendments made by subsections (2) and (3) to paragraph 5 of Schedule 17 to the 1999 Act shall apply to paragraph 5 as it has effect with respect to any local service or train service by virtue of an order under paragraph 2(4) of Schedule 17 made before this section comes into force.
- (5) This section shall not apply to any case where a person becomes liable to pay a penalty fare before this section comes into force.

28 Enforcement of fares

- (1) Paragraph 7 of Schedule 17 to the 1999 Act shall be amended as follows.
- (2) For sub-paragraph (1) substitute—
 - “(1) A person shall, if required to do so by an authorised person, give his name and address to him if—
 - (a) he is required by the authorised person to pay a penalty fare, or
 - (b) he would be liable to pay a penalty fare if so required by the authorised person.”.

29 Anti-social behaviour orders

The Crime and Disorder Act 1998 (c. 37) (which among other matters provides for anti-social behaviour orders) shall have effect as if—

- (a) in section 1(10A), after paragraph (b) there were inserted—

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- “(c) Transport for London, where the anti-social behaviour order was made on an application by Transport for London.”; and
- (b) in section 115(2), after paragraph (j) there were inserted—
 - “(k) Transport for London.”.

PART 5

STREET MANAGEMENT

30 Interpretation of Part 5

Expressions used in this Part and in the 1980 Act have the same meaning in this Part as in that Act.

31 Special parliamentary procedure where order under section 10 of 1980 Act affects GLA roads

- (1) This section applies where the Minister proposes to make an order under section 10(2) of the 1980 Act (power to make orders as to trunk road status) and—
 - (a) the highway to which the order relates is a GLA road, or
 - (b) the highway to which the order relates would become a GLA road by virtue of the order.
- (2) Where this section applies—
 - (a) section 10(6) of the 1980 Act (order objected to by relevant council to be subject to special parliamentary procedure) shall have effect as if for the reference to a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, there were substituted a reference to TfL; and
 - (b) paragraph (i) of the Table in paragraph 3 of Part 1 of Schedule 1 to the 1980 Act (persons to be served with copies of documents relating to draft order) shall have effect as if the reference to every council in whose area any highway or proposed highway to which the proposed order is situated included TfL.
- (3) This section shall not apply in relation to an order in respect of which notice has been published under paragraph 1 of Part I of Schedule 1 to the 1980 Act before this section comes into force.

32 Local and private Act functions with respect to former GLA roads

- (1) Where a GLA road becomes a trunk road by an order under section 10(2) of the 1980 Act, section 11 of the 1980 Act (local and private Act functions with respect to trunk roads) shall have effect as if each reference to a council included a reference to TfL.
- (2) This section applies in relation to any GLA road which becomes a trunk road whether before or after the coming into force of this Act.

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33 Powers in relation to privately maintainable bridges carrying GLA roads

Sections 93 to 95 of the 1980 Act (which enable the Secretary of State to make orders giving powers to local highway authorities as respects the reconstruction, improvement, etc of privately maintainable bridges) shall have effect as if—

- (a) for paragraph (c) of section 95(1) (which specifies the relevant authority) there were substituted—
 - “(c) in the case of a bridge which carries a GLA road, by Transport for London;
 - (d) in the case of any other bridge in Greater London, by the council of the borough in which it is situated, or, if it is in the City, by the Common Council.”; and
- (b) in section 95(3) after the words “other than a trunk road bridge” there were inserted the words “or a bridge carrying a GLA road”.

34 Power to erect flag poles etc. on GLA roads

- (1) Subject to subsection (2), TfL may—
 - (a) erect flagpoles, pylons and other structures on any GLA road for the purpose of displaying decorations;
 - (b) make slots in any GLA road for the purpose of erecting the structures, and
 - (c) remove any structure erected or slot made by TfL in pursuance of paragraph (a) or (b);and any structures or slots which may be erected or made by virtue of this subsection are hereafter in this section referred to as “relevant works”.
- (2) TfL is not entitled to exercise the powers conferred on it by subsection (1) in respect of so much of a GLA road as—
 - (a) is carried by a bridge which a body other than TfL has a duty to maintain; or
 - (b) forms part of the approaches to such a bridge and is supported or protected by works or materials which a body other than TfL has a duty to maintain,except with the consent in writing of that body.
- (3) A body may give their consent in pursuance of subsection (2) on such terms as they think fit (including in particular, without prejudice to the generality of the preceding provisions of this subsection, terms providing for the body to remove any of the relevant works and reinstate the bridge or its approaches and to recover the reasonable cost of doing so from TfL).
- (4) TfL shall not exercise any power conferred on it by subsection (1) in relation to a GLA road unless TfL has first obtained the consent of any local authority for the areas in which TfL proposes to exercise the power.
- (5) If TfL erects or makes relevant works by virtue of the preceding provisions of this section TfL shall—
 - (a) ensure that the works are erected or made so as to obstruct the GLA road in question as little as is reasonably possible, so as not to obscure or conflict with traffic signs connected with the GLA road and so as to interfere as little as is reasonably possible with the enjoyment of premises adjacent to the GLA road and with, and with access to, any apparatus in or on the GLA road which belongs to or is used or maintained by statutory undertakers; and

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- (b) ensure that while the works are retained they are properly maintained and, so far as it is necessary to light them to avoid danger to users of the GLA road, are properly lit.
- (6) A person who without lawful authority interferes with or removes any relevant works is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section—
 - “bridge” includes a structure which carries a GLA road superimposed over a cutting; and
 - “statutory undertakers” means any of the following, namely, any body which is a statutory undertaker within the meaning provided by section 329(1) of the 1980 Act, any universal service provider in connection with the provision of a universal postal service, any licensee under a street works licence and the operator of an electronic communications code network or a driver information system.
- (8) Nothing in this section shall affect the operation of section 144 of the 1980 Act.

35 Prevention of soil etc. being washed on to GLA roads

- (1) Subject to subsections (5) and (6), TfL may, by notice to the owner or occupier of any land adjoining a GLA road, require him, within 28 days from the date of service of the notice, to execute such works as will prevent soil or refuse from that land from falling, or being washed or carried, on to the GLA road or into any sewer or gully in it in such quantities as to obstruct the GLA road or choke the sewer or gully.
- (2) A person aggrieved by a requirement under this section may appeal to a magistrate’s court.
- (3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with it within the period specified in subsection (1), he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and if the offence is continued after conviction, he is guilty of a further offence and liable to a fine not exceeding £50 for each day on which the offence is so continued.
- (4) Section 311 of the 1980 Act shall apply to any offence under subsection (3) as it applies to an offence under section 151(3) of that Act.
- (5) Before serving a notice under subsection (1) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (6) A notice served under subsection (1) shall not have effect in any case where—
 - (a) a notice has been served under section 151 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, prevent the soil or refuse in question from obstructing the GLA road or choking the sewer or gully.
- (7) At the end of Schedule 4 to the [London Local Authorities and Transport for London Act 2003 \(c. iii\)](#) (offences in respect of which fixed penalty notices may be served) insert—

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22	Transport for London Act 2008 (c. 1)	35(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer.
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(8) Nothing in this section shall affect the operation of section 151 of the 1980 Act.

36 Dangerous land adjoining GLA roads

- (1) Subject to subsections (4) to (6), if, in or on any land adjoining a GLA road there is an unfenced or inadequately fenced source of danger to persons using the GLA road, TfL may, by notice to the owner or occupier of that land, require him within such time as may be specified in the notice to execute such works of repair, protection, removal or enclosure as will obviate the danger.
- (2) A person aggrieved by a requirement under subsection (1) may appeal to a magistrate’s court.
- (3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with the notice within the time specified in it, TfL may execute such works as are necessary to comply with the notice and may recover the expenses reasonably incurred by it in so doing from that person.
- (4) Subject to subsection (5), before serving a notice under subsection (1) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (5) Where a notice is served under subsection (1) in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (4) but shall notify the authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (6) A notice served under subsection (1) shall not have effect in any case where—
 - (a) a notice has been served under section 165 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger in question.
- (7) Nothing in this section shall affect the operation of section 165 of the 1980 Act.

37 Forecourt abutting on GLA roads

- (1) Subject to subsections (2) to (4), section 166 of the 1980 Act (powers to require owners or occupiers of forecourts to take steps as respects dangers on forecourts abutting on streets) shall have effect as if in subsection (1) (which specifies the competent authority) after paragraph (a), there were inserted—
 - “(aa) in the case of a GLA road, a local authority and also Transport for London;”.

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- (2) Subject to subsection (3), before serving a notice under section 166(1) of the 1980 Act, TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (3) Where a notice is served under section 166(1) of the 1980 Act in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (2) but shall notify the local authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (4) A notice served by TfL under section 166(1) of the 1980 Act shall not have effect in any case where—
 - (a) a notice has been served by a local authority under that section on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger, obstruction or inconvenience to the public in question.

38 Powers relating to retaining walls near GLA roads

- (1) This section applies to any length of a retaining wall, being a length—
 - (a) any cross-section of which is wholly or partly within 3.66 metres of a GLA road; and
 - (b) which is at any point of greater height than 1.37 metres above the level of the ground at the boundary of the GLA road nearest that point;
 but does not apply to any length of a retaining wall erected on land belonging to any transport undertakers so long as that land is used by them primarily for the purpose of their undertaking or to any length of a retaining wall for the maintenance of which a highway authority are responsible.
- (2) Subject to subsections (6) to (8), if a length of retaining wall to which this section applies is in such condition (whether for want of repair or some other reason) as to be liable to endanger persons using the GLA road, TfL may, by notice served on the owner or occupier of the land on which that length of wall is, require him to execute such works as will obviate the danger.
- (3) Subsections (2) to (7) of section 290 of the Public Health Act 1936 (c. 49) (appeals against, and the enforcement of, certain notices under that Act) apply to any notice served under subsection (2) as they apply to such notices as are mentioned in subsection (1) of that section, but subject to the following modifications—
 - (a) references to the local authority are to be construed as including references to TfL;
 - (b) for paragraph (f) of subsection (3) there is substituted the following paragraph—
 - “(f) that some other person ought to contribute towards the expense of executing any works required by the notice”.
- (4) Sections 300 to 302 of the Public Health Act 1936 (supplementary provisions relating to appeals under the said section 290) apply, with the necessary modifications, to appeals brought by virtue of subsection (3).
- (5) In this section “retaining wall” means a wall, not forming part of a permanent building, which serves, or is intended to serve, as a support for earth or other material on one side only.

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- (6) Subject to subsection (7), before serving a notice under subsection (2) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (7) Where a notice is served under subsection (2) in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (6) but shall notify the local authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (8) A notice served under subsection (2) shall not have effect in any case where—
- (a) a notice has been served under section 167 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger in question.
- (9) Nothing in this section shall affect the operation of section 167 of the 1980 Act.

39 Power to erect barriers in GLA roads in case of emergency etc.

Section 287 of the 1980 Act (which enables a competent authority to erect barriers in streets for certain purposes) shall have effect as if, in subsection (1) (definition of competent authorities), after paragraph (a), there were inserted—

“(aa) in the case of a GLA road, a local authority and also Transport for London;”.

40 Power to use vehicles and appliances on footways

Section 300 of the 1980 Act (which enables competent authorities to use vehicles and appliances on footways and bridleways for the performance of certain functions) shall have effect as if, in subsection (1)(a) (definition of competent authorities), after “London borough” there were inserted “Transport for London”.

Provision of amenities or services on certain GLA roads

41 Scope of sections 42 to 47

In sections 42 to 47 “relevant GLA road” means—

- (a) a footway within a GLA road;
- (b) a subway under a GLA road which subway is constructed under section 69 of the 1980 Act and maintained by TfL;
- (c) a footbridge over a GLA road which footbridge is constructed under section 70 of the 1980 Act and maintained by TfL; and
- (d) a GLA road of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order.

42 Provision etc. of services and amenities by TfL

- (1) Subject to subsection (4), TfL shall have power—
- (a) to carry out works on, in or over a relevant GLA road; and

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- (b) to place objects or structures on, in or over such a GLA road, for the purpose—
 - (i) of enhancing the amenity of the GLA road and its immediate surroundings; or
 - (ii) of providing a service for the benefit of the public or a section of the public.
- (2) TfL shall have power to maintain—
 - (a) any works carried out under paragraph (a) of subsection (1); and
 - (b) any objects or structures placed on, in or over a GLA road under paragraph (b) of that subsection.
- (3) Without prejudice to the generality of this section, the amenity of a GLA road may be enhanced by providing lawns, trees, shrubs or flowers.
- (4) TfL may not, in the exercise of the power conferred by subsection (1)(b), place an object or structure on, in or over a relevant GLA road unless TfL has first obtained the consent of the frontagers with an interest—
 - (a) to the placing of the object or structure; and
 - (b) to the purpose for which it is to be placed.

43 Provision of recreation and refreshment facilities by TfL

- (1) Subject to subsections (2) and (3), TfL shall have power to provide, maintain and operate facilities for recreation or refreshment or both on a relevant GLA road.
- (2) Where subsection (3) applies, TfL may not exercise the powers conferred by this section unless TfL has first obtained the consent of the frontagers with an interest.
- (3) This subsection applies where the facilities are to be provided on a footway in relation to which no traffic order is in force.

44 Limits of powers under sections 42 and 43

TfL may exercise its powers under section 42 or 43 to restrict the access of the public to any part of a relevant GLA road but shall not so exercise them—

- (a) as to prevent traffic, other than vehicular traffic—
 - (i) entering the GLA road at any place where such traffic could enter it before the making of a traffic order in relation to it or the exercise in relation to it of a power conferred by section 42 or 43; or
 - (ii) passing along it; or
 - (iii) having normal access to premises adjoining it; or
- (b) as to prevent any use of vehicles which is not prohibited by a traffic order; or
- (c) as to prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the GLA road; or
- (d) as to prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the GLA road.

45 Notices to be given before exercise of powers under sections 42 and 43

- (1) Subject to subsection (4), TfL shall not exercise any power conferred by section 42 or 43 unless TfL has first published a notice under this section.

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- (2) TfL shall publish a notice under this section—
 - (a) by affixing it in a conspicuous position at or near the place to which the proposal relates; and
 - (b) by serving a copy of the notice on the owner and occupier of any premises appearing to TfL to be likely to be materially affected.
- (3) A notice under this section—
 - (a) shall give details of the proposal; and
 - (b) shall specify a period (being not less than 28 days after the publication of the notice) during which representations regarding the proposal may be made to TfL.
- (4) No notice under this section is required where TfL proposes to exercise a power conferred by section 42 or 43 in relation to a relevant GLA road in relation to which a traffic order has been made.
- (5) Where TfL has published a notice under this section, TfL shall not exercise the power to which the notice relates until it has taken into consideration all representations made to it in connection with the proposal within the period specified in the notice.

46 Consent of local authority required

TfL shall not exercise any power conferred by section 42 or 43 in relation to a relevant GLA road unless TfL has first obtained the consent of any local authority for the area in which TfL proposes to exercise the power.

47 Consents not to be unreasonably withheld

- (1) Consent to which this section applies is not to be unreasonably withheld but may be given subject to any reasonable conditions.
- (2) Without prejudice to the generality of subsection (1), it may be reasonable—
 - (a) for consent to which this section applies to be given for a specified period of time, or
 - (b) for consent under section 42 or 43 to be given subject to the payment of a reasonable sum.
- (3) Consent shall be deemed to have been given for the purposes of this section if TfL has served a notice asking for consent on the person whose consent is required and the person fails within 28 days of the service of the notice to give TfL notice of his consent or his refusal to give it.
- (4) Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.
- (5) If—
 - (a) the arbitrator determines that consent has been unreasonably withheld; but
 - (b) it appears to him that there are conditions subject to which it would be reasonable to give it,he may direct that it shall be treated as having been given subject to those conditions.

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- (6) If—
- (a) the arbitrator determines that any condition subject to which consent has been given is unreasonable; but
 - (b) it appears to him that there are conditions subject to which it would have been reasonable to give it,
- he may direct that it shall be treated as having been given subject to those conditions.
- (7) The expenses and remuneration of the arbitrator shall be paid by TfL.
- (8) This section applies to consent required under section 42, 43 or 46.

48 Saving for Planning Acts

Nothing in this Part shall affect the operation of the Town and Country Planning Act 1990 (c. 8) or the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).

PART 6

MISCELLANEOUS

49 Power to make arrangements for risk mitigation

- (1) The powers of subsection (2) are exercisable for the purposes of the prudent management of the financial affairs of TfL and its subsidiaries.
- (2) A qualifying TfL subsidiary may enter into any derivative investment in connection with any actual or prospective asset or liability of a TfL body if such derivative investment is entered into—
- (a) for the purpose of limiting the extent to which any TfL body will be affected by changes in the matters specified in subsection (3); and
 - (b) with the consent of TfL.
- (3) The matters referred to in subsection (2) are—
- (a) interest rates;
 - (b) exchange rates;
 - (c) any index reflecting inflation of the United Kingdom or elsewhere;
 - (d) rates or prices applicable to oil, electricity or any commodity which is used by any TfL body; or
 - (e) rates or prices applicable to any securities creating or acknowledging indebtedness issued by or on behalf of—
 - (i) the government of the United Kingdom;
 - (ii) any state outside the United Kingdom;
 - (iii) any body the members of which comprise states which include the United Kingdom or another EEA State; or
 - (iv) any body the members of which comprise bodies whose members comprise states which include the United Kingdom or another EEA State.
- (4) TfL may issue to a qualifying TfL subsidiary—

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- (a) guidance as to the manner in which it is to exercise its functions under or connected with this section;
 - (b) general directions as to the manner in which it is to exercise those functions; or
 - (c) specific directions as to the exercise of those functions.
- (5) Directions issued by TfL under subsection (4)(c) may include a direction not to exercise a power specified in the direction.
- (6) Any guidance or directions under subsection (4) must be issued in writing.
- (7) Subsections (4) and (5) shall not prejudice the power of the Mayor to issue guidance or directions to TfL under section 155 of the 1999 Act.
- (8) Section 164(a) of the 1999 Act does not apply in relation to anything done by a qualifying TfL subsidiary under the powers of subsection (2).
- (9) Subsections (2), (4) and (5) shall not prejudice any other powers conferred on TfL by any other enactment.
- (10) In this section—
- (a) “associated undertaking” has the meaning given by Schedule 3 to this Act;
 - (b) “contract for differences” means a contract the purpose or purported purpose of which is to secure a profit or avoid a loss by reference to fluctuations in—
 - (i) the value or price of property of any description; or
 - (ii) an index or other factor designated for that purpose in the contract;and for this purpose, an index or factor may be determined by reference to any matter and a numerical value may be attributed to any variation in a matter;
 - (c) “derivative investment” means an investment of any of the following kinds—
 - (i) an instrument giving entitlements to investments;
 - (ii) an option;
 - (iii) a future;
 - (iv) a contract for differences.
 - (d) “EEA State” has the meaning given by section 1170 of the Companies Act 2006 (c. 46);
 - (e) “future” means a contract for the sale of property under which delivery is to be made at a future date, and at a price, agreed when the contract is made; and for this purpose, a price is to be taken to be agreed when the contract is made—
 - (i) notwithstanding that it is left to be determined by reference to the price at which a contract is to be entered into on a market or exchange or could be entered into at a time and place specified in the contract; or
 - (ii) in a case where the contract is expressed to be by reference to a standard lot and quality, notwithstanding that provision is made for a variation in the price to take account of any variation in quantity or quality on delivery;
 - (f) “investment” means any asset, right or interest;
 - (g) “joint venture” means any undertaking managed jointly by—
 - (i) TfL, any subsidiary of TfL, or an associated undertaking of TfL; and
 - (ii) one or more undertakings not falling within sub-paragraph (i).
 - (h) “qualifying TfL subsidiary” means any subsidiary of TfL (whether or not formed at the date of the passing of this Act) to which TfL has for the time being delegated power to do things in relation to TfL’s functions which

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TfL is empowered to do (whether directly or through a subsidiary) for the purposes referred to in section 154(3)(b) and (c) of the 1999 Act (facilitating the promotion, encouragement and provision of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London and securing, or facilitating the implementation of, the transport strategy);

- (i) “TfL body” means TfL, any subsidiary of TfL, a joint venture of TfL or an associated undertaking of TfL; and
- (j) “undertaking” has the same meaning as in section 1161(1) of the Companies Act 2006 (c. 46).

50 Power to acquire land for relocation of businesses etc.

In paragraph 18(1) of Schedule 11 to the 1999 Act (power for TfL to acquire land for the purpose of discharging any of its functions)—

- (a) after “rehousing” insert “or relocating”;
- (b) after “dwellings” insert “or other properties”; and
- (c) after “Transport for London” insert “or a subsidiary of Transport for London”.

51 Power to revoke or vary certain orders

- (1) An order made under section 14B of the 1980 Act (orders changing what are GLA roads) to which section 326(2) of that Act does not apply may (subject to section 14B(5) of that Act) be revoked or varied by a subsequent order made under section 14B.
- (2) Nothing in subsection (1) shall apply in relation to a relevant line order or a relevant side roads order within the meaning of the GLA Roads (Continuity of Orders etc.) Order 2000 ([S.I.2000/2615](#)).