



# Greater London Authority Act 1999

## 1999 CHAPTER 29

An Act to establish and make provision about the Greater London Authority, the Mayor of London and the London Assembly; to make provision in relation to London borough councils and the Common Council of the City of London with respect to matters consequential on the establishment of the Greater London Authority; to make provision with respect to the functions of other local authorities and statutory bodies exercising functions in Greater London; to make provision about transport and road traffic in and around Greater London; to make provision about policing in Greater London and to make an adjustment of the metropolitan police district; and for connected purposes. [11th November 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE GREATER LONDON AUTHORITY

##### *The Authority*

#### **1 The Authority.**

- (1) There shall be an authority for Greater London, to be known as the Greater London Authority.
- (2) The Authority shall be a body corporate.
- (3) The Authority shall have the functions which are transferred to, or conferred or imposed on, the Authority by or under this Act or any other Act.

*Status: Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.*

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## Membership

### 2 Membership of the Authority and the Assembly.

- (1) The Authority shall consist of—
  - (a) the Mayor of London; and
  - (b) an Assembly for London, to be known as the London Assembly.
- (2) The Assembly shall consist of twenty five members, of whom—
  - (a) fourteen shall be members for Assembly constituencies (constituency members); and
  - (b) eleven shall be members for the whole of Greater London (London members).
- (3) There shall be one constituency member for each Assembly constituency.
- (4) The Assembly constituencies shall be the areas, and shall be known by the names, specified in an order made by [<sup>F1</sup>statutory instrument by the Electoral Commission].
- (5) Schedule 1 to this Act (which makes further provision about Assembly constituencies and orders under subsection (4) above) shall have effect.
- (6) The Mayor and the Assembly members shall be returned in accordance with the provision made in or by virtue of this Act for—
  - (a) the holding of ordinary elections of the Mayor, the constituency members and the London members; and
  - (b) the filling of vacancies in the office of Mayor or among the constituency members or the London members.
- (7) An ordinary election involves the holding of—
  - (a) an election for the return of the Mayor;
  - (b) an election for the return of the London members; and
  - (c) elections for the return of the constituency members.
- (8) The term of office of the Mayor and Assembly members returned at an ordinary election shall—
  - (a) begin on the second day after the day on which the last of the successful candidates at the ordinary election is declared to be returned; and
  - (b) end on the second day after the day on which the last of the successful candidates at the next ordinary election is declared to be returned;but this subsection is subject to the other provisions of this Act and, in particular, to any provision made by order by virtue of subsection (4) of section 3 below.
- (9) If at any ordinary election the poll at the election of an Assembly member for an Assembly constituency is countermanded or abandoned for any reason, the day on which the last of the successful candidates at the ordinary election is declared to be returned shall be determined for the purposes of subsection (8) above without regard to the return of the Assembly member for that Assembly constituency.
- (10) The validity of proceedings of the Assembly is not affected by any vacancy in its membership.
- (11) The validity of anything done by the Authority is not affected by any vacancy in the office of Mayor or any vacancy in the membership of the Assembly.

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#### Textual Amendments

**F1** Words in s. 2(4) substituted (1.4.2002) by [S.I. 2001/3962](#), art. 9, Sch. 2 para. 13

#### Modifications etc. (not altering text)

**C1** S. 2(4): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise 30.10.2001) by [2000 c. 41](#), [s. 18\(3\)\(c\)](#), [163\(3\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/3526](#), [art. 2\(c\)](#)  
S. 2(4): functions transferred (1.4.2002) by [S.I. 2001/3962](#), [art. 3\(2\)\(c\)](#)

#### Commencement Information

**II** S. 2 wholly in force at 14.12.1999: by virtue of s. 425(2) this Act is in force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 2 in force at 14.12.1999 insofar as not already in force by [S.I. 1999/3376](#), [art. 2](#)

### *Ordinary elections*

#### **3 Time of ordinary elections.**

- (1) The poll at the first ordinary election shall be held on 4th May 2000 or such later date as the Secretary of State may by order provide.
- (2) The poll at each subsequent ordinary election shall be held on the first Thursday in May in the fourth calendar year following that in which the previous ordinary election was held.
- (3) Subsection (2) above is subject to any order made by virtue of section 37(2) of the Representation of the <sup>M1</sup>People Act 1983 (power by order to fix a day other than the first Thursday in May).
- (4) As respects the first ordinary election, the Secretary of State may by order make provision—
  - (a) modifying section 2(8) above in relation to the Mayor and Assembly members returned at that election;
  - (b) for the returning officer at the election of the Mayor and the election of the London members to be a person, or a person of a description, designated in the order (instead of the person specified in section 35(2C) of the Representation of the <sup>M2</sup>People Act 1983);
  - (c) for and in connection with modifying the entitlement to vote or the registration of electors, or with respect to the registers (or parts of registers) of electors to be used;
  - (d) for or in connection with enabling electors to vote in the poll at such polling stations or other places as may be prescribed, at such times as may be prescribed, on such one or more days preceding the date specified in or provided under subsection (1) above for the poll as may be specified in the order.
- (5) The provision that may be made by an order under paragraph (d) of subsection (4) above includes provision for such enactments or statutory instruments as may be specified in the order to have effect with such modifications as may be so specified.
- (6) In this section prescribed means specified in, or determined in accordance with, an order under this section.

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#### Commencement Information

- I2** S. 3 wholly in force at 14.12.1999: by virtue of s. 425(2) the Act is in force at Royal Assent in regard to the powers of a Minister of the Crown to make regulations or an order; s. 3 in force at 14.12.1999 insofar as not already in force by [S.I. 1999/3376](#), [art. 2](#)

#### Marginal Citations

**M1** 1983 c. 2.

**M2** 1983 c. 2.

## 4 Voting at ordinary elections.

- (1) Each person entitled to vote as an elector at an ordinary election shall have the following votes—
  - (a) one vote (referred to in this Part as a mayoral vote) which may be given for a candidate to be the Mayor;
  - (b) one vote (referred to in this Part as a constituency vote) which may be given for a candidate to be the Assembly member for the Assembly constituency; and
  - (c) one vote (referred to in this Part as a London vote) which may be given in accordance with subsection (5) below.
- (2) The Mayor shall be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates to be the Mayor—
  - (a) the Mayor shall be returned under the supplementary vote system in accordance with Part I of Schedule 2 to this Act; and
  - (b) a voter's mayoral vote shall accordingly be a supplementary vote, that is to say, a vote capable of being given to indicate the voter's first and second preferences from among the candidates.
- (4) The Assembly member for an Assembly constituency shall be returned under the simple majority system.
- (5) A London vote may be given for—
  - (a) a registered political party which has submitted a list of candidates to be London members; or
  - (b) an individual who is a candidate to be a London member.
- (6) The London members shall be returned in accordance with Part II of Schedule 2 to this Act.
- (7) The persons who are to be returned as—
  - (a) the Mayor, and
  - (b) the constituency members,
 must be determined before it is determined who are to be returned as the London members.
- (8) But if the poll at the election of an Assembly member for an Assembly constituency is countermanded or abandoned for any reason, the persons who are to be returned as

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the London members shall be determined without regard to the determination of the Assembly member for that Assembly constituency.

- (9) At an ordinary election, a person may not be a candidate to be the Assembly member for more than one Assembly constituency.
- (10) If the person who is returned as the Mayor is also returned as an Assembly member for an Assembly constituency, a vacancy shall arise in the Assembly constituency.
- (11) In this Part registered political party means [<sup>F2</sup>a party registered under Part II of the Political Parties, Elections and Referendums Act 2000].

#### Textual Amendments

**F2** Words in s. 4(11) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 15** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

#### Modifications etc. (not altering text)

**C2** S. 4(5)(a) applied (14.12.1999) by 1983 c. 2, s. 203(1B) (as inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 paras. 1, 39(5) (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, art. 2)

### *Vacancies in the Assembly*

#### **5 Resignation.**

- (1) An Assembly member may at any time resign his membership of the Assembly by giving notice to the proper officer of the Authority.
- (2) Any such resignation shall take effect on the officer's receipt of the notice.

#### **6 Failure to attend meetings.**

- (1) If an Assembly member fails, throughout a period of six consecutive months from his last attendance, to attend any meeting of the Assembly, he shall cease to be a member of the Assembly.
- (2) A person shall not cease to be a member by virtue of subsection (1) above if the failure to attend is due to some reason approved by the Assembly before the expiry of that period.
- (3) For the purposes of this section, an Assembly member shall be deemed to have attended a meeting of the Assembly on any occasion on which he attended—
  - (a) as a member at a meeting of any committee or sub-committee of the Assembly; or
  - (b) as a representative of the Assembly or the Authority at a meeting of any body of persons.
- (4) A person shall not cease to be a member of the Assembly by reason only of a failure to attend meetings of the Assembly if—
  - (a) he is a member of any branch of Her Majesty's naval, military or air forces and is at the time employed during war or any emergency on any naval, military or air force service, or

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(b) he is a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, and the failure to attend is due to that employment.

[<sup>F3</sup>(5) Any period during which an Assembly member is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1).]

#### Textual Amendments

**F3** S. 6(5) inserted (E.W.) (19.12.2000 for E. and 19.12.2000 for W.(in relation to police authorities) and otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 31**; S.I. 2000/3335, **art. 2**

## 7 Declaration of vacancy in certain cases.

Where an Assembly member—

- (a) ceases to be qualified to be a member of the Assembly, or
- (b) becomes disqualified from being a member otherwise than—
  - (i) under the <sup>M3</sup>Audit Commission Act 1998,
  - (ii) by virtue of a conviction, or
  - (iii) by virtue of a breach of any provision of Part II of the Representation of the <sup>M4</sup>People Act 1983, or
- (c) ceases to be a member of the Assembly by reason of failure to attend meetings of the Assembly,

the proper officer of the Authority shall forthwith declare the member's office to be vacant, unless it has been declared vacant by the High Court.

#### Marginal Citations

**M3** 1998 c. 18.

**M4** 1983 c. 2.

## 8 Election of member as Mayor.

If the person who is returned at an election under section 16 below to fill a vacancy in the office of Mayor is an Assembly member, a vacancy shall arise—

- (a) if he is a member for an Assembly constituency, in that Assembly constituency; or
- (b) if he is a London member, in his office as a London member.

## 9 Date of casual vacancies.

(1) For the purpose of filling a casual vacancy in the membership of the Assembly, the date on which a vacancy is to be regarded as occurring shall be—

- (a) in the case of any person being returned—
  - (i) at an ordinary election, as the Mayor and also as the Assembly member for an Assembly constituency, or

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- (ii) at an election under section 16 below to fill a vacancy in the office of Mayor when he is an Assembly member,  
on the date on which he is returned as the Mayor or, as the case may be, to fill the vacancy in that office;
  - (b) in the case of any person being returned as mentioned in section 16(10) below, on the date on which he is returned to fill the vacancy in the Assembly constituency;
  - (c) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, on the expiration of the period appointed under this Part of this Act for the delivery of the declaration;
  - (d) in the case of resignation, upon the receipt of the notice of resignation by the proper officer of the Authority;
  - (e) in the case of death, on the date of death;
  - (f) in the case of disqualification under the <sup>M5</sup>Audit Commission Act 1998 or by virtue of a conviction—
    - (i) on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant order or decision under that Act or (as the case may be) that conviction, or
    - (ii) if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution;
  - (g) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;
  - (h) in the case of a person—
    - (i) ceasing to be qualified to be an Assembly member, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to (g) above, or
    - (ii) ceasing to be an Assembly member by reason of failure to attend meetings,  
on the date on which his office is declared to have been vacated either by the High Court or by the proper officer of the Authority as the case may be.
- (2) The proper officer of the Authority shall—
- (a) give written notice of any casual vacancy among the London members to the Greater London returning officer; and
  - (b) give public notice of any casual vacancy among the constituency members.
- (3) Any public notice under subsection (2)(b) above shall be given—
- (a) by posting the notice in some conspicuous place or places in the Assembly constituency concerned; and
  - (b) in such other manner, if any, as the officer considers desirable for giving publicity to the notice.
- (4) Any notice under subsection (2) above shall be given as soon as practicable after the date on which the vacancy is to be regarded under subsection (1) above as occurring.

**Marginal Citations**

M5 1998 c. 18.

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## 10 Filling a vacancy in an Assembly constituency.

- (1) This section applies where the office of an Assembly member returned for an Assembly constituency is vacant.
- (2) Subject to subsection (8) below, an election shall be held in the Assembly constituency to fill the vacancy.
- (3) At the election to fill the vacancy—
  - (a) each person entitled to vote at the election shall have a constituency vote; and
  - (b) the Assembly member for the Assembly constituency shall be returned under the simple majority system.
- (4) The date of the poll at the election shall be fixed by the constituency returning officer in accordance with subsection (5) below.
- (5) The date fixed shall be no later than 35 days after the date of the relevant event.
- (6) In subsection (5) above, the relevant event means—
  - (a) in a case where the High Court or the proper officer of the Authority has declared the office to be vacant, the making of that declaration; or
  - (b) in any other case, the giving of notice of the vacancy to the proper officer of the Authority by two or more local government electors for the Assembly constituency concerned.
- (7) Section 243(4) of the <sup>M6</sup>Local Government Act 1972 shall apply for the purpose of computing the period of 35 days referred to in subsection (5) above as it applies for the purposes of section 89(1) of that Act.
- (8) If the vacancy occurs within the period of six months preceding an ordinary election, it shall be left unfilled until that election unless subsection (9) below applies.
- (9) This subsection applies if, on the occurrence of the vacancy (or, in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Assembly exceeds one-third of the whole number of Assembly members.
- (10) A person may not be a candidate at an election to fill a vacancy if he is—
  - (a) the Mayor;
  - (b) an Assembly member; or
  - (c) a candidate in another such election.
- (11) The term of office of the person returned at the election—
  - (a) shall begin immediately upon his being declared to be returned as the constituency member; and
  - (b) shall end at the time when it would have ended had he been returned as the constituency member at the previous ordinary election.

### Marginal Citations

M6 1972 c. 70.



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## 11 Filling a vacancy among the London members.

- (1) This section applies where the office of a London member is vacant.
- (2) If the London member was returned as an individual candidate, or the vacancy is not filled in accordance with the following provisions, the vacancy shall remain unfilled until the next ordinary election.
- (3) If the London member was returned (under Part II of Schedule 2 to this Act or this section) from a registered political party's list, the Greater London returning officer shall notify the Chair of the Assembly of the name of the person who is to fill the vacancy.
- (4) The person who is to fill the vacancy must be one who—
  - (a) is included in that list;
  - (b) is willing to serve as a London member; and
  - (c) is not a person to whom subsection (5) below applies.
- (5) This subsection applies to a person if—
  - (a) he is not a member of the party; and
  - (b) the party gives notice to the Greater London returning officer that his name is not to be notified under subsection (3) above as the name of the person who is to fill the vacancy.
- (6) Where more than one person satisfies the conditions in subsection (4) above, the Greater London returning officer shall notify the name of whichever of them is higher, or highest, in the list.
- (7) Where a person's name has been notified under subsection (3) above, his term of office as a London member—
  - (a) shall begin on the day on which the notification is received under that subsection, and
  - (b) shall end at the time when it would have ended had he been returned as a London member at the previous ordinary election,and this Act shall apply as if the person had been declared to be returned as a London member on the day on which the notification under subsection (3) above is so received.

### Modifications etc. (not altering text)

- C3** S. 11(3) restricted by S.I. 2002/427, Sch. 9 rule 58(3) (as substituted (1.3.2004) by [The Greater London Authority Elections \(Amendment\) Rules 2004 \(S.I. 2004/227\)](#), rules 1(1), 2(8), [Sch. 5](#))

### *Vacancy in the office of Mayor*

## 12 Resignation.

- (1) The Mayor may at any time resign his office by giving notice to the proper officer of the Authority.
- (2) Any such resignation shall take effect on the officer's receipt of the notice.

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### 13.— Failure to attend meetings.

[<sup>F4</sup>(1)] If the Mayor fails on six consecutive occasions to attend meetings of the Assembly held pursuant to section 52(3) below, he shall cease to be the Mayor.

[<sup>F5</sup>(2) Any meeting of the Assembly which the Mayor is unable to attend because he is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purposes of subsection (1) above.]

#### Textual Amendments

**F4** S. 13 renumbered as s. 13(1) (19.12.2000 for E. 19.12.2000 for W.(in relation to police authorities) and otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 32**; S.I. 2000/3335, **art. 2**

**F5** S. 13(2) inserted (E.W.) (19.12.2000 for E. and 19.12.2000 for W.(in relation to police authorities) and otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 32**; S.I. 2000/3335, **art. 2**

### 14 Declaration of vacancy in certain cases.

Where the Mayor—

- (a) ceases to be qualified to be the Mayor,
- (b) becomes disqualified from being the Mayor otherwise than—
  - (i) under the <sup>M7</sup>Audit Commission Act 1998,
  - (ii) by virtue of a conviction, or
  - (iii) by virtue of a breach of any provision of Part II of the Representation of the <sup>M8</sup>People Act 1983, or
- (c) ceases to be the Mayor by reason of failure to attend meetings of the Assembly, the proper officer of the Authority shall forthwith declare his office to be vacant, unless it has been declared vacant by the High Court.

#### Marginal Citations

**M7** 1998 c. 18.

**M8** 1983 c. 2.

### 15 Date of casual vacancy.

(1) Subsection (1) of section 9 above shall apply for the purpose of filling a casual vacancy in the office of Mayor as it applies for the purpose of filling a casual vacancy in the membership of the Assembly, but with the omission of paragraphs (a) and (b) and the substitution for paragraph (h) of—

- “(h) in the case of a person—
- (i) ceasing to be qualified to be the Mayor, or becoming disqualified, for any reason other than one mentioned in paragraphs (c) to (g) above, or
  - (ii) ceasing to be the Mayor by reason of failure to attend meetings of the Assembly,

on the date on which his office is declared to have been vacated either by the High Court or by the proper officer of the Authority, as the case may be.”

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- (2) If a casual vacancy arises in the office of Mayor, the proper officer of the Authority shall give—
  - (a) notice of the vacancy to the Greater London returning officer; and
  - (b) public notice of the vacancy in every Assembly constituency.
- (3) Any public notice under subsection (2)(b) above shall be given—
  - (a) by posting the notice in some conspicuous place or places in each Assembly constituency; and
  - (b) in such other manner, if any, as the officer considers desirable for giving publicity to the notice.
- (4) Any notice under subsection (2) above shall be given as soon as practicable after the date on which the vacancy is to be regarded by virtue of subsection (1) above as occurring.

## 16 Filling a vacancy.

- (1) This section applies where a vacancy occurs in the office of the Mayor.
- (2) Subject to subsection (9) below, an election shall be held to fill the vacancy.
- (3) At the election, each person entitled to vote as an elector at the election shall have a mayoral vote.
- (4) Subsections (2) and (3) of section 4 above and Part I of Schedule 2 to this Act shall apply in relation to the election as they apply in relation to the election of the Mayor at an ordinary election.
- (5) The date of the poll at the election shall be fixed by the Greater London returning officer in accordance with subsection (6) below.
- (6) The date fixed shall be no later than 35 days after the date of the relevant event.
- (7) In subsection (6) above, the relevant event means—
  - (a) in a case where the High Court or the proper officer of the Authority have declared the office to be vacant, the making of that declaration; or
  - (b) in any other case, the giving of notice of the vacancy to the proper officer of the Authority by two or more local government electors for Greater London.
- (8) Section 243(4) of the <sup>M9</sup>Local Government Act 1972 shall apply for the purpose of computing the period of 35 days referred to in subsection (6) above as it applies for the purposes of section 89(1) of that Act.
- (9) If the vacancy occurs within the period of six months preceding an ordinary election, it shall be left unfilled until that election.
- (10) If—
  - (a) a person who is a candidate in an election to fill a vacancy in the office of Mayor is also a candidate in an election to fill a vacancy in an Assembly constituency, and
  - (b) that person is returned in both elections, but
  - (c) the circumstances are such that a vacancy does not arise in the Assembly constituency by virtue of section 8 above,a vacancy shall arise in the Assembly constituency.

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- (11) The term of office of the person returned as the Mayor at the election—
- (a) shall begin immediately upon his being declared to be returned as the Mayor; and
  - (b) shall end at the time when it would have ended had he been returned as the Mayor at the previous ordinary election.

#### Marginal Citations

M9 1972 c. 70.

### *Franchise, conduct of elections etc*

#### 17 Franchise, conduct of elections etc.

Schedule 3 to this Act (which, by amending the Representation of the People Acts, makes provision for and in connection with treating elections under this Act as local government elections for the purposes of those Acts) shall have effect.

#### [<sup>F6</sup>17A Free delivery of election addresses.

- (1) Each candidate at the first election of the Mayor shall be entitled (subject to and in accordance with the provisions of Schedule 3A to this Act) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—
  - (a) prepared by the Greater London returning officer; and
  - (b) sent by that officer, by post, to each elector in Greater London.
- (2) In subsection (1) above elector, in relation to the election mentioned in that subsection—
  - (a) means a person who is registered in the register of local government electors for an electoral area in Greater London on the last day for publication of notice of the election; and
  - (b) includes a person then shown in any such register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- (3) The Secretary of State may by order make such provision as he considers appropriate for and in connection with enabling candidates—
  - (a) at ordinary elections other than the first such election, or
  - (b) at elections to fill vacancies in the office of Mayor or Assembly member,
 to have their election addresses (within the meaning of the order) delivered, at the Authority's expense, by [<sup>F7</sup>a universal service provider (within the meaning of the Postal Services Act 2000)] or by any other means specified in the order.
- (4) Without prejudice to the generality of subsection (3) above, an order under that subsection may make provision—
  - (a) for free delivery of election addresses to be available under the order only in the case of any specified description of election falling within paragraph (a) or (b) of that subsection or within section 2(7) above;
  - (b) for enabling the Authority to determine the descriptions of elections (if any) in the case of which free delivery of election addresses is to be so available;

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- (c) for regulating in any respect the form and manner in which free delivery of election addresses is to be so available;
  - (d) for restricting the number of separate mailings in respect of the free delivery of election addresses, whether—
    - (i) by limiting the number of separate election addresses by reference to any specified circumstances, or
    - (ii) by requiring the preparation of a single document incorporating all the election addresses to be delivered on behalf of candidates at a particular election,or otherwise;
  - (e) for imposing conditions which must be satisfied by any candidate or candidates seeking to avail themselves of free delivery of election addresses under the order;
  - (f) for authorising election addresses falling to be delivered under the order to be disseminated by such means (other than those by which they are to be so delivered) as may be specified;
  - (g) for securing that civil or criminal liability in respect of material contained in any election address falling to be delivered under the order (including any such liability arising in connection with any dissemination of the material in pursuance of paragraph (f) above) is incurred only by the candidate on behalf of whom it falls to be so delivered or his election agent.
- (5) In subsection (4) above—  
free delivery of election addresses means the delivery of election addresses, in accordance with an order under subsection (3) above, at the Authority's expense;  
specified means specified in an order under subsection (3) above.
- (6) Before making an order under subsection (3) above the Secretary of State shall consult—
  - (a) the Mayor and the London Assembly; and
  - (b) such other persons and bodies as he may determine to be appropriate.
- (7) Schedule 3A to this Act (which makes provision supplementing subsection (1) above) shall have effect.]

#### Textual Amendments

**F6** S. 17A inserted (9.3.2000) by 2000 c. 2, s. 14(1)(2)

**F7** Words in s. 17A(3) substituted (26.3.2001) by S.I. 2001/648, art. 4(1), Sch. 1 para. 14

#### Modifications etc. (not altering text)

**C4** S. 17A(3) amended (16.2.2001) by 2000 c. 41, s. 7(2)(i); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 18 Cost of holding the first ordinary elections.

- (1) A returning officer shall be entitled to recover expenditure properly incurred by him in relation to the holding of the first ordinary election if the expenditure—
  - (a) is of a kind determined by the Secretary of State; and

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- (b) is reasonable.
- (2) The Secretary of State may determine a maximum recoverable amount for expenditure of such description as he may determine; and the returning officer may not recover more than that amount in respect of any such expenditure.
  - (3) The amount of any expenditure recoverable in accordance with this section shall be charged on and paid out of the Consolidated Fund on an account being submitted to the Secretary of State; but the Secretary of State must, before payment, satisfy himself that the expenditure in the account is properly payable.
  - (4) A returning officer must furnish the Secretary of State with such information or documents relating to an account submitted under subsection (3) above as the Secretary of State may require.
  - (5) The Secretary of State must prepare an account of any sums which are issued to him out of the Consolidated Fund by virtue of this section and of his use of those sums.
  - (6) The account required to be prepared under subsection (5) above must be audited by such body or person as the Treasury may determine.
  - (7) Any exercise by the Secretary of State of his functions under subsections (1) and (2) above shall require the consent of the Treasury.
  - (8) This section has effect in relation to the first ordinary election instead of section 36(4B) of the Representation of the <sup>M10</sup>People Act 1983.

#### Marginal Citations

M10 1983 c. 2.

### 19 Expenditure of Secretary of State in connection with holding the first ordinary election.

- (1) The Secretary of State may incur expenditure in doing anything which he considers expedient—
  - (a) in preparation for the holding of the first ordinary election,
  - (b) for the purpose of facilitating the conduct of the first ordinary election, or
  - (c) otherwise in connection with the holding of the first ordinary election.
- (2) The Secretary of State must not, by virtue of subsection (1) above, incur expenditure of a kind which is recoverable by a returning officer under section 18 above.

#### *Qualifications and disqualifications*

### 20 Qualification to be the Mayor or an Assembly member.

- (1) Subject to any disqualification by virtue of this Act or any other enactment, a person is qualified to be elected and to be the Mayor or an Assembly member if he satisfies the requirements of subsections (2) to (4) below.
- (2) The person must be—
  - (a) a Commonwealth citizen;

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- (b) a citizen of the Republic of Ireland; or
  - (c) a relevant citizen of the Union.
- (3) On the relevant day, the person must have attained the age of 21 years.
- (4) The person must satisfy at least one of the following conditions—
- (a) on the relevant day he is, and from that day continues to be, a local government elector for Greater London;
  - (b) he has, during the whole of the twelve months preceding that day, occupied as owner or tenant any land or other premises in Greater London;
  - (c) his principal or only place of work during that twelve months has been in Greater London;
  - (d) he has during the whole of that twelve months resided in Greater London.
- (5) This section applies in relation to being returned as a London member under section 11 above otherwise than at an election as it applies in relation to being elected.
- (6) References in this section to election shall accordingly be construed as if a London member so returned were elected at an election on the day on which he is to be treated as returned.
- (7) In the application of this section by virtue of subsection (5) above, any reference to the day on which a person is nominated as a candidate shall be taken as a reference to the day on which notification of the person's name is given under section 11(3) above by the Greater London returning officer.
- (8) In this section—
- citizen of the Union shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union);
  - relevant citizen of the Union means a citizen of the Union who is not—
    - (a) a Commonwealth citizen; or
    - (b) a citizen of the Republic of Ireland;
  - the relevant day, in relation to any candidate, means—
    - (a) the day on which he is nominated as a candidate and also, if there is a poll, the day of the election; or
    - (b) if the election is not preceded by the nomination of candidates, the day of the election.

## **21 Disqualification from being the Mayor or an Assembly member.**

- (1) A person is disqualified from being elected or being the Mayor or an Assembly member if—
- (a) he is a member of staff of the Authority;
  - (b) he holds any of the offices or appointments for the time being designated by the Secretary of State in an order as offices or appointments disqualifying persons from being the Mayor or an Assembly member;
  - (c) he has been adjudged bankrupt, or made a composition or arrangement with his creditors;
  - (d) he has within five years before the day of the election, or since his election, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment

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- (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) he is disqualified under—
- (i) section 85A or Part III of the Representation of the <sup>M11</sup>People Act 1983, or
  - (ii) section 17 or 18 of the <sup>M12</sup>Audit Commission Act 1998, from being elected or being the Mayor or an Assembly member.
- (2) A paid officer of a London borough council who is employed under the direction of—
- (a) any of that council’s committees or sub-committees the membership of which includes the Mayor or one or more persons appointed on the nomination of the Authority acting by the Mayor, or
  - (b) a joint committee the membership of which includes one or more members appointed on the nomination of that council and one or more members appointed on the nomination of the Authority acting by the Mayor,
  - <sup>F8</sup>(c) the executive or any committee of the executive of that council, where that council are operating executive arrangements and the membership of that executive includes the Mayor or one or more persons appointed on the nomination of the Authority acting by the Mayor, or
  - (d) a member of the executive of that council, where that council are operating executive arrangements and that member is also the Mayor or a person appointed on the nomination of the Authority acting by the Mayor,]
- shall be disqualified from being elected or being the Mayor or an Assembly member.
- <sup>F9</sup>(2A) In this section executive and executive arrangements have the same meaning as in Part II of the Local Government Act 2000.]
- (3) Where a person is disqualified under subsection (1)(c) above by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against the person is previously annulled, on his discharge from bankruptcy; and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.
- (4) Where a person is disqualified under subsection (1)(c) above by reason of having made a composition or arrangement with his creditors, the disqualification shall cease—
- (a) if he pays his debts in full, on the date on which the payment is completed; and
  - (b) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (5) For the purposes of subsection (1)(d) above—
- (a) the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires, or
  - (b) if such 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,
- shall be deemed to be the date of the conviction.
- (6) This section shall apply in relation to being returned as a London member under section 11 above otherwise than at an election as it applies in relation to being elected.



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- (7) References in this section to election shall accordingly be construed as if a London member so returned were elected at an election on the day on which he is to be treated as returned.

#### Textual Amendments

**F8** S. 21(2)(c)(d) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 35(a)**

**F9** S. 21(2A) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 35(b)**

#### Commencement Information

**I3** S. 21 wholly in force at 14.12.1999: by virtue of s. 425(2) this Act comes into force at Royal Assent in regards to any powers of a Minister of the Crown to make regulations or an order; s. 21 in force at 14.12.1999 insofar as not already in force by S.I. 1999/3376, **art. 2**

#### Marginal Citations

**M11** 1983 c. 2.

**M12** 1998 c. 18.

## 22 Validity of acts done by unqualified persons.

The acts and proceedings of any person elected to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

## 23 Proceedings for disqualification.

Section 92 of the <sup>M13</sup>Local Government Act 1972 (proceedings for disqualification) shall apply in relation to the Authority as it applies in relation to a local authority within the meaning of that section, but taking—

- (a) any reference to a member of a local authority as a reference to the Mayor or an Assembly member;
- (b) any reference to a local government elector for the area concerned as a reference to a local government elector for Greater London; and
- (c) any reference to meetings of the local authority as a reference to meetings of the Assembly.

#### Marginal Citations

**M13** 1972 c. 70.

### *Salaries, expenses and pensions*

## 24 Salaries and expenses.

- (1) The Authority shall pay to the Mayor and the Assembly members salaries at such levels—
- (a) as the Authority from time to time determines; or
  - (b) before the first determination, as the Secretary of State directs.

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- (2) The Authority may pay to the Mayor and the Assembly members, in respect of expenses incurred in the exercise of their functions, allowances at such levels—
  - (a) as the Authority may from time to time determine; or
  - (b) before the first determination, as the Secretary of State may direct.
- (3) A determination or direction under subsection (1) above may provide—
  - (a) for a higher level of salary to be payable to the Mayor than to any Assembly member;
  - (b) for higher levels of salaries to be payable to Assembly members holding the offices specified in subsection (4) below than to other Assembly members; and
  - (c) for different salaries to be payable to Assembly members holding different such offices.
- (4) The offices mentioned in subsection (3)(b) above are—
  - (a) Deputy Mayor;
  - (b) Chair of the Assembly.
- (5) A determination or direction under subsection (2) above may provide for different allowances for different cases.
- (6) A determination under this section may provide for levels of salaries or allowances to change from time to time by reference to a specified formula.
- (7) The Authority's functions of making determinations under this section shall be functions of the Authority which are exercisable by the Mayor and the Assembly acting jointly on behalf of the Authority.
- (8) The standing orders of the Authority must include provision for the publication of every determination under this section.
- (9) The Secretary of State shall publish any direction under this section as soon as is reasonably practicable after it is given.

## **25 Limit on salaries of members of other public bodies.**

- (1) The Secretary of State may by order make provision such as is specified in subsection (3) below in relation to any Authority members to whom relevant remuneration is payable—
  - (a) pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House;
  - (b) under section 1 of the <sup>M14</sup>European Parliament (Pay and Pensions) Act 1979 (remuneration of United Kingdom MEPs); or
  - (c) in respect of their membership of any other public body (whether elected or appointed) which is specified in the order.
- (2) In this section—
 

Authority member means—

  - (a) the Mayor; or
  - (b) an Assembly member;

relevant remuneration means—

  - (a) a salary; or

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- (b) any allowance of a description specified by order made by the Secretary of State.
- (3) The provision referred to in subsection (1) above is provision that the amount of the salary payable to an Authority member under section 24 above—
  - (a) shall be reduced to a specified proportion of what it otherwise would be or to a specified amount; or
  - (b) shall be reduced by the amount of the relevant remuneration payable to him as mentioned in subsection (1) above, by a specified proportion of that amount or by some other specified amount.
- (4) An order under subsection (1) above may make different provision in relation to Authority members—
  - (a) to whom (apart from the order) different amounts of salary would be payable under section 24 above; or
  - (b) to whom different amounts of relevant remuneration are payable as mentioned in subsection (1) above.
- (5) Such an order may include provision that it (or a specified part of it) is not to apply to a specified Authority member or description of Authority members—
  - (a) either indefinitely or for a specified period; and
  - (b) either unconditionally or subject to the fulfilment of specified conditions.

#### Commencement Information

**I4** S. 25 wholly in force at 14.12.1999: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 25 in force at 14.12.1999 insofar as not already in force by [S.I. 1999/3376](#), [art. 2](#)

#### Marginal Citations

**M14** [1979 c. 50](#).

## 26 Pensions.

- (1) The Authority may make such provision for the payment of pensions to or in respect of persons who have ceased to be the Mayor or an Assembly member—
  - (a) as the Authority may from time to time determine; or
  - (b) before the first determination, as the Secretary of State may direct.
- (2) The provision which may be made under this section includes, in particular, provision for—
  - (a) the making of payments towards the provision of superannuation benefits;
  - (b) establishing and administering one or more schemes for the provision of such benefits;
  - (c) the making of such payments as are mentioned in paragraph (a) above to any scheme (whether or not established or administered by virtue of paragraph (b) above) of which the Mayor or an Assembly member may be or become a member.
- (3) Different provision may be made under this section for different cases.

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- (4) The Authority's function of determining the provision that may be made under subsection (1) above shall be a function of the Authority which is exercisable by the Mayor and the Assembly acting jointly on behalf of the Authority.
- (5) The standing orders of the Assembly must include provision for the publication of every determination under this section.
- (6) The Secretary of State shall publish any direction under this section as soon as is reasonably practicable after it is given.
- (7) A determination or direction under this section shall not affect pensions in payment before the making of the determination or the giving of the direction.

## **27 Publication of information about remuneration paid.**

The standing orders of the Authority must contain provision for the publication of information relating to sums paid under sections 24 and 26 above for each financial year.

### *Supplementary provisions*

## **28 Declaration of acceptance of office.**

- (1) A person elected to the office of Mayor or of an Assembly member shall not act in that office unless—
  - (a) he has made a declaration of acceptance of the office in a form prescribed in an order made by the Secretary of State; and
  - (b) within two months from the day of the election, the declaration has been delivered to the proper officer of the Authority.
- (2) If such a declaration is not made and delivered to that officer within that time, the office of the person elected shall become vacant at the expiration of that time.
- (3) The declaration shall be made before—
  - (a) two members of the Assembly;
  - (b) the proper officer of the Authority;
  - (c) a justice of the peace or magistrate in the United Kingdom, the Channel Islands or the Isle of Man; or
  - (d) a commissioner appointed to administer oaths in the Supreme Court.
- (4) Any person before whom a declaration is authorised to be made under this section may take the declaration.
- (5) In relation to the first ordinary election, an order under section 3(4) above may make provision with respect to the making and delivery of declarations of acceptance of office in the case of the persons elected as the Mayor or Assembly members.
- (6) An order made by virtue of subsection (5) above may (in particular) make provision—
  - (a) permitting declarations to be made before such person (other than those specified in subsection (3) above) as may be specified or described in the order;
  - (b) authorising any person specified or described under paragraph (a) above to take declarations;

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- (c) requiring declarations to be delivered to such person as may be specified or described in the order instead of the officer mentioned in subsection (1)(b) above; and
  - (d) requiring declarations delivered in accordance with provision made under paragraph (c) above to be transmitted to the proper officer of the Authority when one has been appointed.
- (7) No salary, and no payment towards the provision of superannuation benefits, shall be paid under this Act to or in respect of the Mayor or an Assembly member until he has complied with the requirements of subsection (1) above.
- (8) Subsection (7) above does not affect any entitlement of the Mayor or an Assembly member to payments in respect of the period before he complies with the requirements of subsection (1) above once he has complied with those requirements.
- (9) This section applies in relation to a London member returned otherwise than at an election as if he had been elected on the day on which he is to be treated as returned.

#### Commencement Information

- I5** S. 28 wholly in force at 14.12.1999: by virtue of s. 425(2) the Act is in force at Royal Assent in regards to any powers of a Minister of the Crown to make regulations or an order; s. 28 in force at 14.12.1999 insofar as not already in force by S.I. 1999/3376, art. 2

## 29 Interpretation of Part I.

In this Part, except where the context otherwise requires—

constituency returning officer means the returning officer at an election of an Assembly member for an Assembly constituency (see section 35(2B) of the Representation of the <sup>M15</sup>People Act 1983);

constituency vote has the meaning given by section 4(1)(b) above;

elector has the same meaning as in the Representation of the <sup>M16</sup>People Act 1983 (see section 202(1) of that Act);

<sup>F10</sup>  
...

Greater London returning officer means the person who is for the time being the proper officer of the Authority for the purposes of section 35(2C) of the Representation of the <sup>M17</sup>People Act 1983 (returning officer at elections of Mayor and London members);

local government elector means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

<sup>F11</sup>  
...

London vote has the meaning given by section 4(1)(c) above;

mayoral vote has the meaning given by subsection (1)(a) of section 4 above (as read with subsection (3) of that section);

registered political party has the meaning given by section 4(11) above;

<sup>F12</sup>  
...

vote and voter have the same meaning as in the Representation of the <sup>M18</sup>People Act 1983 (see section 202(1) of that Act).

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#### Textual Amendments

- F10** Definition in s. 29 omitted (27.5.2000) by virtue of S.I. 2000/1435, art. 2, Sch. Pt. 1 para. 2  
**F11** Definition in s. 29 omitted (27.5.2000) by virtue of S.I. 2000/1435, art. 2, Sch. Pt. 1 para. 2  
**F12** Definition in s. 29 omitted (27.5.2000) by virtue of S.I. 2000/1435, art. 2, Sch. Pt. 1 para. 2

#### Modifications etc. (not altering text)

- C5** S. 29 modified (7.3.2000) by S.I. 2000/308, art. 3

#### Marginal Citations

- M15** 1983 c. 2.  
**M16** 1983 c. 2.  
**M17** 1983 c. 2.  
**M18** 1983 c. 2.

## PART II

### GENERAL FUNCTIONS AND PROCEDURE

#### *The general and subsidiary powers of the Authority*

#### **30 The general power of the Authority.**

- (1) The Authority shall have power to do anything which it considers will further any one or more of its principal purposes.
- (2) Any reference in this Act to the principal purposes of the Authority is a reference to the purposes of—
  - (a) promoting economic development and wealth creation in Greater London;
  - (b) promoting social development in Greater London; and
  - (c) promoting the improvement of the environment in Greater London.
- (3) In determining whether or how to exercise the power conferred by subsection (1) above to further any one or more of its principal purposes, the Authority shall have regard to the desirability of so exercising that power as to—
  - (a) further the remaining principal purpose or purposes, so far as reasonably practicable to do so; and
  - (b) secure, over a period of time, a reasonable balance between furthering each of its principal purposes.
- (4) In determining whether or how to exercise the power conferred by subsection (1) above, the Authority shall have regard to the effect which the proposed exercise of the power would have on—
  - (a) the health of persons in Greater London; and
  - (b) the achievement of sustainable development in the United Kingdom.
- (5) Where the Authority exercises the power conferred by subsection (1) above, it shall do so in the way which it considers best calculated—
  - (a) to promote improvements in the health of persons in Greater London, and

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- (b) to contribute towards the achievement of sustainable development in the United Kingdom,  
except to the extent that the Authority considers that any action that would need to be taken by virtue of paragraph (a) or (b) above is not reasonably practicable in all the circumstances of the case.
- (6) In subsection (5)(a) above, the reference to promoting improvements in health includes a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of the power.
- (7) The Secretary of State may issue guidance to the Authority concerning the exercise by the Authority of the power conferred by subsection (1) above.
- (8) In deciding whether or how to exercise that power, the Authority shall have regard to any guidance issued under subsection (7) above.
- (9) Any guidance issued under subsection (7) above shall be published by the Secretary of State in such manner as he considers appropriate.
- (10) The functions conferred or imposed on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

#### Commencement Information

- I6** S. 30 wholly in force at 3.7.2000; s. 30 not in force at Royal Assent see s. 425(2); s. 30(7)(9) in force at 8.5.2000 by [S.I. 2000/801](#), [art. 2\(2\)\(b\)](#), [Sch. Pt. 2](#); s. 30 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

### 31 Limits of the general power.

- (1) The Authority shall not by virtue of section 30(1) above incur expenditure in doing anything which may be done by a functional body other than the London Development Agency.
- (2) In determining whether to exercise the power conferred by section 30(1) above, the Authority shall seek to secure that it does not incur expenditure in doing anything which is being done by the London Development Agency.
- (3) The Authority shall not by virtue of section 30(1) above incur expenditure in providing—
- (a) any housing,
  - (b) any education services,
  - (c) any social services, or
  - (d) any health services,
- in any case where the provision in question may be made by a London borough council, the Common Council or any other public body.
- (4) Any reference in subsection (3) above to the provision of housing—
- (a) includes a reference to the management of housing; but
  - (b) does not include a reference to the acquisition by the Authority of existing housing accommodation and the making of that accommodation available on

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a temporary basis for one or more of the principal purposes of the Authority or for purposes incidental to such a purpose.

- (5) Any reference in subsection (3) above to the provision of social services is a reference to the exercise of [<sup>F13</sup>any social services function within the meaning of the Local Authority Social Services Act 1970]
- (6) Nothing in subsections (1) to (5) above shall be taken to prevent the Authority incurring expenditure in co-operating with, or facilitating or co-ordinating the activities of, the bodies mentioned in those subsections.
- (7) The Secretary of State may by order amending this section make further provision for preventing the Authority from doing by virtue of section 30(1) above anything—
  - (a) which may be done by a London borough council, the Common Council or a public body, and
  - (b) which is specified, or is of a description specified, in the order.
- (8) The Secretary of State may by order impose limits on the expenditure which may be incurred by the Authority by virtue of section 30(1) above.
- (9) The Secretary of State may by order amending this section make provision removing or restricting any prohibitions or limitations imposed by this section on what may be done by the Authority by virtue of section 30(1) above.

#### Textual Amendments

**F13** Words in s. 31(5) substituted for s. 31(5)(a)(b) (26.10.2000 for E. and 28.7.2001 for W.) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 33**; S.I. 2000/2849, **art. 2(f)(h)**

#### Commencement Information

**I7** S. 31 wholly in force at 3.7.2000: s. 31 in force at Royal Assent for certain purposes see s. 425(2); s. 31 in force at 3.7.2000 in so far as not already in force by S.I. 2000/801, **art. 2(2)(c)**, **Sch. Pt. 3**

## 32 Consultation.

- (1) The power conferred by section 30(1) above is exercisable only after consultation with such bodies or persons as the Authority may consider appropriate in the particular case.
- (2) In determining what consultation (if any) is appropriate under subsection (1) above, the bodies which, and persons whom, the Authority considers consulting must include—
  - (a) any London borough council;
  - (b) the Common Council; and
  - (c) bodies of each of the descriptions specified in subsection (3) below.
- (3) Those descriptions are—
  - (a) voluntary bodies some or all of whose activities benefit the whole or part of Greater London;
  - (b) bodies which represent the interests of different racial, ethnic or national groups in Greater London;
  - (c) bodies which represent the interests of different religious groups in Greater London;



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- (d) bodies which represent the interests of persons carrying on business in Greater London.
- (4) The Authority may make arrangements with—
- (a) any London borough council,
  - (b) the Common Council,
  - (c) bodies of the descriptions specified in subsection (3) above, and
  - (d) such other bodies or persons as it may consider appropriate,
- for the purpose of facilitating the carrying out by the Authority of consultation pursuant to this section or any other provision of this Act.
- (5) The functions conferred on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

### **33 Equality of opportunity.**

- (1) The Authority shall make appropriate arrangements with a view to securing that—
- (a) in the exercise of the power conferred on the Authority by section 30 above,
  - (b) in the formulation of the policies and proposals to be included in any of the strategies mentioned in section 41(1) below, and
  - (c) in the implementation of any of those strategies,
- there is due regard to the principle that there should be equality of opportunity for all people.
- (2) After each financial year the Authority shall publish a report containing—
- (a) a statement of the arrangements made in pursuance of subsection (1) above which had effect during that financial year; and
  - (b) an assessment of how effective those arrangements were in promoting equality of opportunity.
- (3) The functions conferred or imposed on the Authority under or by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

### **34 Subsidiary powers of the Authority.**

- (1) The Authority, acting by the Mayor, by the Assembly, or by both jointly, may do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority exercisable by the Mayor or, as the case may be, by the Assembly or by both acting jointly.
- (2) The Authority shall not by virtue of this section raise money (whether by precepts, borrowing or otherwise) or lend money, except in accordance with the enactments relating to those matters.

#### **Modifications etc. (not altering text)**

C6 S. 34(2) excluded (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 93, 128(2)(d)

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### *Exercise of functions: general principles*

#### **35 Authority functions to be exercisable by Mayor, Assembly or both.**

- (1) Any function transferred to, or conferred or imposed on, the Authority by or under this Act or any other Act (whenever passed) shall, in accordance with the provisions of this Act, be exercisable—
  - (a) only by the Mayor acting on behalf of the Authority;
  - (b) only by the Assembly so acting; or
  - (c) only by the Mayor and Assembly jointly so acting.
- (2) Any function—
  - (a) which is transferred to, or conferred or imposed on, the Authority by or under this Act or any other Act (whenever passed), and
  - (b) which (apart from this subsection) is not made exercisable on behalf of the Authority by the Mayor, by the Assembly, or by the Mayor and the Assembly acting jointly,
 shall be exercisable only by the Mayor acting on behalf of the Authority.
- (3) Any function transferred to, or conferred or imposed on, the Mayor by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Mayor acting on behalf of the Authority.
- (4) Any function transferred to, or conferred or imposed on, the Assembly by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Assembly acting on behalf of the Authority.
- (5) Any function transferred to, or conferred or imposed on, the Mayor and the Assembly by or under this Act or any other Act (whenever passed) shall be taken to be a function of the Authority exercisable only by the Mayor and Assembly acting jointly on behalf of the Authority.
- (6) Subsections (3) and (4) above are subject to subsection (5) above.
- (7) Any reference in this Act to—
  - (a) functions of the Authority,
  - (b) functions of the Mayor,
  - (c) functions of the Assembly, or
  - (d) functions of the Mayor and Assembly,
 shall be construed in accordance with the foregoing provisions of this section.
- (8) Subsections (1) to (7) above are subject to any express provision to the contrary in this Act.
- (9) Subsections (2) and (3) above are without prejudice to <sup>F14</sup>sections 38 and 380] below and Schedule 4 to this Act.
- (10) This section is subject, in particular, to Part II of the <sup>M19</sup>Deregulation and Contracting Out Act 1994 (contracting out).

#### **Textual Amendments**

**F14** Words in s. 35(9) substituted (27.5.2000) by S.I. 2000/1435, art. 2, Sch. Pt. I para. 3

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#### **Marginal Citations**

**M19** 1994 c. 40.

### **36 Standing orders of the Authority.**

- (1) The Assembly, in consultation with the Mayor, may make standing orders of the Authority.
- (2) The procedure of the Assembly, and of any committees or sub-committees of the Assembly, shall be regulated by the standing orders of the Authority.
- (3) Standing orders of the Authority may make provision regulating the procedure to be followed—
  - (a) by any member of the Assembly, or
  - (b) by any member of staff of the Authority,by whom functions of the Authority are exercisable pursuant to arrangements under section 54 below.
- (4) Standing orders of the Authority may make provision regulating the procedure to be followed by the Mayor or by the Assembly in discharging any functions of the Mayor or the Assembly, to the extent that the functions—
  - (a) consist of consultation, or any other interaction or relationship, between the Mayor and the Assembly; or
  - (b) are exercisable by the Mayor in relation to the Assembly or by the Assembly in relation to the Mayor.
- (5) Standing orders of the Authority may make provision for any other matter for which provision by standing orders of the Authority is authorised or required by or under any other provision of this Act or any other enactment.
- (6) Subsections (2) to (5) above are subject to any other provision of this Act or any other enactment which regulates, or provides for the regulation of, the procedure of the Assembly or any procedure to be followed by the Mayor.
- (7) Standing orders of the Authority may make different provision for different circumstances.
- (8) The Assembly, after consultation with the Mayor, may at any time vary or revoke any standing orders of the Authority.
- (9) Neither section 38 below nor section 54 below shall apply in relation to the functions of the Mayor or the Assembly under this section.

### **37 Discharge during vacancy or temporary incapacity of Mayor.**

Schedule 4 to this Act shall have effect with respect to the discharge of functions during periods when—

- (a) there is a vacancy in the office of Mayor; or
- (b) there is no such vacancy but the Mayor is unable to act in his office.

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### *Functions exercisable by the Mayor*

#### **38 Delegation.**

- (1) Any function exercisable on behalf of the Authority by the Mayor shall also be exercisable on behalf of the Authority by any of the bodies or persons specified in subsection (2) below, if or to the extent that the Mayor so authorises, whether generally or specially, and subject to any conditions imposed by the Mayor.
- (2) Those bodies and persons are—
  - (a) the Deputy Mayor;
  - (b) any member of staff of the Authority;
  - (c) Transport for London;
  - (d) the London Development Agency;
  - (e) the Common Council;
  - (f) any local authority.
- (3) In the case of the Common Council or a local authority, an authorisation under this section—
  - (a) may only be granted or varied with its written consent; and
  - (b) shall cease to have effect if notice of the withdrawal of that consent is given to the Mayor.
- (4) [<sup>F15</sup>Subject to subsection (5A), where], by virtue of an authorisation under subsection (1) above, a duty is exercisable by any of the bodies or persons specified in subsection (2) above, that body or person shall discharge the duty in accordance with the authorisation and any conditions imposed by the Mayor under subsection (1) above.
- (5) [<sup>F16</sup>Subject to subsection (5A), subsection](4) above is without prejudice to the exercise by the body or person concerned of any power to arrange for the discharge of functions by—
  - (a) a committee or sub-committee, or a member, officer or employee, of the body or person, or
  - (b) a joint committee on which the body or person is represented,
 except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.
- [<sup>F17</sup>(5A) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by a local authority which are operating executive arrangements—
  - (a) that duty shall be treated as a function of that local authority for the purposes of section 13 of the Local Government Act 2000; and
  - (b) if, or to the extent that, that duty is a function which is the responsibility of the executive of that authority—
    - (i) subsections (4) and (5) above shall not apply; and
    - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.]
- (6) Subsection (1) above does not apply—
  - (a) in relation to functions under this section;

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- (b) in relation to any function of making appointments under subsection (1) of section 67 below (which, subject to the provisions of Schedule 4 to this Act, shall be exercisable only by the Mayor); or
- (c) in relation to any function under Part X below (in relation to which provision for delegation is made under that Part).
- (7) Each of the following bodies, namely—
- (a) Transport for London,
  - (b) the London Development Agency,
  - (c) the Common Council,
  - (d) any local authority,
- shall have power to exercise functions on behalf of the Authority in accordance with this section, whether or not they would have power to do so apart from this subsection and irrespective of the nature of the function.
- (8) Subsections (3) and (4) of section 101 of the <sup>M20</sup>Local Government Act 1972 (delegation of functions to committees, officers etc, and continued exercise by local authority concerned) shall apply in relation to any authorisation under subsection (1) above given by the Mayor—
- (a) to a local authority,
  - (b) to Transport for London, or
  - (c) to the London Development Agency,
- as they apply to arrangements under that section between one local authority and another.
- (9) An authorisation under this section may be varied or revoked at any time by the Mayor.
- (10) Any authorisation under this section, and any variation or revocation of such an authorisation, must be in writing.
- [<sup>F18</sup>(11) For the purposes of this section executive and executive arrangements have the same meaning as in Part II of the Local Government Act 2000.]

#### Textual Amendments

- F15** Words in s. 38(4) substituted (E.) (11.7.2001) S.I. 2001/2237, arts. 2(u), 36(a)
- F16** Words in s. 38(5) substituted (E.) (11.7.2001) S.I. 2001/2237, arts. 2(u), 36(b)
- F17** S. 38(5A) inserted (E.) (11.7.2001) S.I. 2001/2237, arts. 2(u), 36(c)
- F18** S. 38(11) added (E.) (11.7.2001) S.I. 2001/2237, arts. 2(u), 36(d)

#### Modifications etc. (not altering text)

- C7** S. 38(1) excluded (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004, 1.1.2004 for E.) by Local Government Act 2003 (c. 26), ss. 3(9), 128(6); S.I. 2003/2938, art. 5 (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 3)

#### Marginal Citations

- M20** 1972 c. 70.

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### 39 Exercise of functions by joint committees.

- (1) Where any functions exercisable on behalf of the Authority by the Mayor are, by virtue of an authorisation under section 38(1) above, also exercisable by one or more local authorities, the Mayor and those authorities may enter into arrangements under section 101(5) of the <sup>M21</sup>Local Government Act 1972 for the joint discharge of the functions by a joint committee.
- (2) Where—
  - (a) a statutory function of the Authority is exercisable, or has been exercised, by the Mayor acting on behalf of the Authority, and
  - (b) the exercise, or any particular exercise, of that function will or may affect, or be affected by, the exercise, or any particular exercise, of statutory functions of local authorities (whether or not the functions are the same in the case of each such authority),
 the Mayor and those authorities may enter into arrangements under section 101(5) of the <sup>M22</sup>Local Government Act 1972 for the joint exercise of any of the statutory functions mentioned in paragraph (a) or (b) above by a joint committee, as if those functions were exercisable by the Mayor acting on behalf of the Authority and by each local authority.
- (3) For the purposes of subsection (2) above, the exercise of a function shall be taken to affect, or be affected by, the exercise of another function if the functions are exercisable for the same, or for similar or connected, purposes or in relation to the same, or similar or connected, subject matter.
- (4) For the purposes of subsections (1) and (2) above, sections 101(5) and 102 to 106 of the <sup>M23</sup>Local Government Act 1972 shall have effect as if the Authority acting by the Mayor were a local authority.
- (5) Any arrangements made by virtue of subsection (1) or (2) above for the discharge of any functions by a joint committee (or by a sub-committee of a joint committee) shall not prevent the Mayor or any local authority, or the joint committee by whom the arrangements are made, from exercising the functions.
- (6) A person who is disqualified under section 21 above from being elected or being the Mayor or an Assembly member, otherwise than by reason only of being a member of staff of the Authority, shall be disqualified from being a member of a joint committee established by virtue of subsection (1) or (2) above or of any sub-committee of such a committee.
- (7) Subject to that, the Mayor or any other individual may be appointed as a representative of the Authority on any joint committee established by virtue of subsection (1) above and any such representative may be appointed as a member of any sub-committee of such a joint committee.
- (8) Any reference in this section to a local authority includes a reference to the Common Council.

#### Marginal Citations

**M21** 1972 c. 70.

**M22** 1972 c. 70.

**M23** 1972 c. 70.

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#### **40 Contracting out.**

- (1) Part II of the <sup>M24</sup>Deregulation and Contracting Out Act 1994 (contracting out) shall be amended as follows.
- (2) In section 70 (functions of local authorities) in subsection (1)(b), after section 56 of the Local Government (Scotland) Act 1973 there shall be inserted “ or section 38 or 380 of the Greater London Authority Act 1999 ”.
- (3) After subsection (5) of that section (which implies certain terms into arrangements under section 101 of the <sup>M25</sup>Local Government Act 1972 etc) there shall be inserted—
  - “(6) Any reference in subsection (5) above to arrangements under section 101 of the <sup>M26</sup>Local Government Act 1972 includes a reference to an authorisation under section 38 or 380 of the Greater London Authority Act 1999.”
- (4) In section 79(1) (interpretation of Part II) in the definition of local authority, in paragraph (a), after London borough council, there shall be inserted “ the Greater London Authority acting through the Mayor of London, ”.

#### **Marginal Citations**

- M24** 1994 c. 40.  
**M25** 1972 c. 70.  
**M26** 1972 c. 70.

#### *The Mayor's strategies*

#### **41 General duties of the Mayor in relation to his strategies.**

- (1) This section applies to—
  - (a) the transport strategy prepared and published under section 142 below,
  - (b) the London Development Agency strategy prepared and published under section 7A(2) of the <sup>M27</sup>Regional Development Agencies Act 1998,
  - (c) the spatial development strategy prepared and published under Part VIII below,
  - (d) the London Biodiversity Action Plan prepared and published under section 352 below,
  - (e) the municipal waste management strategy prepared and published under section 353 below,
  - (f) the London air quality strategy prepared and published under section 362 below,
  - (g) the London ambient noise strategy prepared and published under section 370 below, and
  - (h) the culture strategy prepared and published under section 376 below.
- (2) The Mayor shall keep each of the strategies mentioned in subsection (1) above under review and shall make such revisions of those strategies as he considers necessary.
- (3) Subsection (2) above does not apply in relation to the spatial development strategy (for which separate provision as to review is made by section 340 below).

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- (4) In preparing or revising any strategy mentioned in subsection (1) above, the Mayor shall have regard to—
- (a) the principal purposes of the Authority;
  - (b) the effect which the proposed strategy or revision would have on—
    - (i) the health of persons in Greater London; and
    - (ii) the achievement of sustainable development in the United Kingdom; and
  - (c) the matters specified in subsection (5) below.
- (5) Those matters are—
- (a) the need to ensure that the strategy is consistent with national policies and with such international obligations as the Secretary of State may notify to the Mayor for the purposes of this paragraph;
  - (b) the need to ensure that the strategy is consistent with each other strategy mentioned in subsection (1) above;
  - (c) the resources available for implementation of the strategy; and
  - (d) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight.
- (6) The Mayor—
- (a) in considering whether any strategy mentioned in subsection (1) above needs to be revised,
  - (b) in implementing any such strategy, or
  - (c) in exercising in relation to the spatial development strategy any of his functions under sections 334 to 341 below,
- shall have regard to the matters specified in subsection (5) above.
- (7) Where the Mayor prepares or revises any strategy mentioned in subsection (1) above, he shall include such of the available policies and proposals relating to the subject matter of the strategy as he considers best calculated—
- (a) to promote improvements in the health of persons in Greater London, and
  - (b) to contribute towards the achievement of sustainable development in the United Kingdom,
- except to the extent that he considers that any action that would need to be taken by virtue of paragraph (a) or (b) above is not reasonably practicable in all the circumstances of the case.
- (8) In subsection (7)(a) above, the reference to promoting improvements in health includes a reference to mitigating any detriment to health which would otherwise be occasioned by the strategy or revision.
- (9) The Mayor shall from time to time set such targets with respect to the implementation of any strategy mentioned in subsection (1) above as he may consider appropriate, having regard to—
- (a) any related targets or objectives set nationally; and
  - (b) any performance indicators set by the Secretary of State, whether nationally or locally, which affect the exercise of functions by authorities involved in the implementation of the strategy;



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and in setting any such targets the Mayor shall seek to secure that they are not less demanding than any related targets or objectives which are set nationally.

- (10) For the purposes of this section international obligations means international obligations of the United Kingdom under any treaty, including obligations under the Community Treaties.
- (11) For the purposes of this Act, unless the context otherwise requires, a reference to a strategy includes a reference to the London Biodiversity Action Plan.

#### Marginal Citations

M27 1998 c. 45.

## 42 Consultation.

- (1) In preparing or revising any strategy to which this section applies the Mayor shall consult—
- the Assembly,
  - the functional bodies,
  - each London borough council,
  - the Common Council, and
  - any other body or person whom he considers it appropriate to consult.
- (2) In determining what consultation (if any) is appropriate under subsection (1)(e) above, the bodies which, and persons whom, the Mayor considers consulting must include bodies of each of the descriptions specified in section 32(3) above.
- (3) The strategies to which this section applies are those mentioned in section 41(1) above, other than the spatial development strategy (for which separate provision as to consultation and other aspects of public participation is made by Part VIII below).
- (4) Subsection (1) above is without prejudice to any other duty imposed on the Mayor in relation to consultation.
- (5) In discharging the duty under subsection (1) above, the Mayor shall consult the Assembly and the functional bodies before consulting the other bodies or persons mentioned in subsection (1)(c) to (e) above.
- (6) In any case where—
- the Mayor proposes to revise any of the strategies to which this section applies, and
  - he considers that the proposed revisions will not materially alter the strategy in question,
- the Mayor is not required to carry out consultation in accordance with this section.

#### Modifications etc. (not altering text)

C8 S. 42 excluded (3.7.2000) by 1998 c. 45, s. 7B(6) (as inserted (3.7.2000) by 1999 c. 29, s. 307 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

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#### **43 Publicity and availability of strategies.**

- (1) The Mayor shall take such steps as in his opinion will give adequate publicity to the current version of each strategy to which section 42 above applies.
- (2) The Mayor shall send to the Common Council and to each London borough council a copy of the current version of each strategy mentioned in section 41(1) above.
- (3) A copy of the current version of each such strategy 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.
- (4) A copy of the current version of each such strategy, or any part of such a strategy, shall be supplied to any person on request for such reasonable fee as the Mayor may determine.
- (5) Any reference in this section to the current version of a strategy or part of a strategy is a reference—
  - (a) in the case of the spatial development strategy, to that strategy as last published, whether originally or by way of replacement, and to any published alteration thereof for the time being having effect; and
  - (b) in the case of any other strategy, to that strategy as last published, whether originally or as revised.

#### **44 Directions by the Secretary of State.**

- (1) In relation to each strategy mentioned in section 41(1) above, where the Mayor has not published the strategy and the Secretary of State considers that the Mayor is not taking such steps as are necessary to prepare the strategy, he may issue a direction to the Mayor under subsection (2) below.
- (2) A direction under this subsection may direct the Mayor to prepare and publish the strategy within such period as the direction shall specify.
- (3) Where the Secretary of State issues a direction to the Mayor under subsection (1) above, the Mayor shall comply with the direction.

#### *Public accountability*

#### **45 The Mayor's periodic report to the Assembly.**

- (1) The Mayor shall, not later than three clear working days before the first meeting of the Assembly held pursuant to subsection (3) of section 52 below, and thereafter not later than three clear working days before each subsequent meeting of the Assembly held pursuant to that subsection, submit a written report to the Assembly.
- (2) A report required to be submitted by the Mayor under subsection (1) above shall relate to the period since the submission of the previous report or, in the case of the first such report, to the period since the first ordinary election and shall include—
  - (a) notification of decisions taken by the Mayor which he considers to be of significance;

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- (b) the reasons for which the Mayor took the decisions mentioned in paragraph (a) above; and
  - (c) the response of the Mayor to proposals submitted by the Assembly under section 60 below.
- (3) The Mayor shall attend every meeting of the Assembly held pursuant to section 52(3) below and shall, subject to subsection (6) below, answer questions put to him at any such meeting by Assembly members about matters in relation to which statutory functions are exercisable by him.
- (4) The Mayor shall—
  - (a) so far as reasonably practicable, answer any such question orally at the meeting at which it is put, or
  - (b) if for any reason it is not reasonably practicable to do that, provide a written answer before the end of the third working day following the day on which the question was asked at the meeting,(subject, in either case, to subsection (6) below).
- (5) For the purposes of subsection (4)(b) above, the day on which a question is asked at a meeting is—
  - (a) in the case of an oral question, the day on which the question is first asked at the meeting; or
  - (b) in the case of a written question, the day on which the question is first raised at the meeting.
- (6) The duty of the Mayor under subsection (3) or (4) above shall not require him to disclose advice received by him from—
  - (a) a person appointed under section 67(1) or (2) below,
  - (b) a functional body,
  - (c) a member of a functional body, or
  - (d) a member of staff of a functional body,except as provided by subsection (7) below.
- (7) Where—
  - (a) the Mayor receives advice from a person falling within paragraph (b), (c) or (d) of subsection (6) above, and
  - (b) the functional body mentioned in that paragraph is the Metropolitan Police Authority or the London Fire and Emergency Planning Authority,the Mayor is not relieved by subsection (6) above from any requirement to disclose the advice, if or to the extent that the advice falls within subsection (8) below.
- (8) Advice given to the Mayor by a <sup>F19</sup>person falling within paragraph (b), (c) or (d) of subsection (6) above] falls within this subsection if it has been disclosed—
  - (a) at a meeting of, or of a committee or sub-committee of, the functional body <sup>F20</sup>concerned] at a time when the meeting was open to members of the public by virtue of Part VA of the <sup>M28</sup>Local Government Act 1972 (access to meetings and documents); or
  - (b) in a document which has been open to inspection by members of the public by virtue of that Part of that Act.
- (9) Any reference in this section to a member of staff of a functional body includes a reference to an officer or employee of that body.

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- (10) For the purposes of this section, a day is a working day unless it is—
- (a) a Saturday or Sunday;
  - (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;
  - (c) a day which is a Bank Holiday in England under the <sup>M29</sup>Banking and Financial Dealings Act 1971; or
  - (d) a day appointed for public thanksgiving or mourning.

#### Textual Amendments

**F19** Words in s. 45(8) substituted (27.5.2000) by S.I. 2000/1345, art. 2, Sch. Pt. 1 para. 4(a)

**F20** Word in s. 45(8)(a) inserted (27.5.2000) by S.I. 2000/1345, art. 2, Sch. Pt. 1 para. 4(b)

#### Marginal Citations

**M28** 1972 c. 70.

**M29** 1971 c. 80.

## 46 Annual report by the Mayor.

- (1) As soon as practicable after the end of each financial year the Mayor shall prepare a report on the exercise by him of statutory functions during the year (an annual report).
- (2) An annual report shall include—
  - (a) an assessment of the Mayor’s progress in implementing the strategies required to be prepared and published by him under this Act or under section 7A(2) of the <sup>M30</sup>Regional Development Agencies Act 1998;
  - (b) a statement of any targets for the time being in force under section 41(9) above with respect to the implementation of those strategies and an assessment of the progress made by authorities involved in the implementation of those strategies towards achieving those targets;
  - (c) a summary of information which relates to the Authority’s performance of its statutory functions and which the Authority is required to publish under or by virtue of any enactment; and
  - (d) information of such descriptions as the Assembly, prior to the beginning of the financial year to which the annual report relates, has notified to the Mayor that it wishes to be included in the annual report.
- (3) As soon as practicable after preparing an annual report, the Mayor—
  - (a) shall send a copy of the report to the Assembly; and
  - (b) shall publish the report.
- (4) The annual report shall not be published until after the Mayor has sent a copy to the Assembly pursuant to subsection (3)(a) above.
- (5) A copy of the annual report sent to the Assembly 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.
- (6) A copy of the annual report sent to the Assembly, or any part of that report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.

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- (7) In this section the appropriate period in the case of an annual report is the period of six years beginning with the date of publication of that report pursuant to this section.

**Marginal Citations**

M30 1998 c. 45.

**47 The annual State of London debate.**

- (1) The Mayor shall once in every financial year hold and attend a meeting under this section (in this section referred to as a State of London debate) which shall be open to all members of the public.
- (2) The form of, and procedure for, a State of London debate shall be such as the Mayor may determine after consultation with the Assembly, but must be such that there is an opportunity for members of the public to speak.
- (3) The power to determine the form of, and procedure for, a State of London debate includes power to appoint a person to preside.
- (4) Any person may be appointed to preside at a State of London debate, whether or not he has any connection with the Authority.
- (5) A member of the public who attends or speaks at a State of London debate shall do so subject to and in accordance with the procedure for the State of London debate.
- (6) A State of London debate shall be held on a date to be determined by the Mayor—
  - (a) during April, May or June in each successive period of twelve months beginning with 1st April 2001, and
  - (b) at least 7 days after the publication under section 46 above of the annual report relating to the financial year last ended.
- (7) At least one month prior to the date on which the State of London debate is to be held, the Mayor—
  - (a) shall determine the place at which the meeting is to be held; and
  - (b) shall take such steps as will in his opinion give adequate notice of the date and place of the meeting to members of the public.

**48 People's Question Time.**

- (1) The Mayor and the Assembly shall twice in every financial year hold and attend a meeting under this section (in this section referred to as a People's Question Time) which shall be open to all members of the public.
- (2) The purpose of a People's Question Time is to afford an opportunity to members of the public to put questions to the Mayor and Assembly members and to enable the Mayor and Assembly members to respond.
- (3) The form of, and procedure for, a People's Question Time shall be such as the Mayor may determine after consultation with the Assembly.
- (4) The power to determine the form of, and procedure for, a People's Question Time includes power to appoint a person to preside.

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- (5) Any person may be appointed to preside at a People’s Question Time, whether or not he has any connection with the Authority.
- (6) A member of the public who attends or speaks at a People’s Question Time shall do so subject to and in accordance with the procedure for the People’s Question Time.
- (7) A People’s Question Time shall be held on a date to be determined by the Mayor, after consultation with the Assembly, but which is not less than—
  - (a) one month before, or
  - (b) one month after,
 a State of London debate held pursuant to section 47(1) above.
- (8) At least one month prior to the date on which each People’s Question Time is to be held, the Mayor—
  - (a) shall determine the place at which the meeting is to be held; and
  - (b) shall take such steps as will in his opinion give adequate notice of the date and place of the meeting to members of the public.

#### *Deputy Mayor*

### **49 The Deputy Mayor.**

- (1) There shall be a Deputy Mayor of London (the Deputy Mayor).
- (2) The Deputy Mayor shall have such functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.
- (3) The Deputy Mayor shall be appointed by the Mayor from among the Assembly members.
- (4) A person must not hold the offices of Deputy Mayor and Chair of the Assembly at the same time.
- (5) If the Mayor appoints as Deputy Mayor the person who is the Chair of the Assembly, a vacancy shall arise in the office of Chair of the Assembly.
- (6) Subsections (4) and (5) above apply in relation to the Deputy Chair of the Assembly as they apply in relation to the Chair of the Assembly.
- (7) A person appointed Deputy Mayor shall not act in that office unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.
- (8) A person shall cease to be the Deputy Mayor if—
  - (a) he ceases to be an Assembly member;
  - (b) he at any time gives notice of resignation as the Deputy Mayor to the proper officer of the Authority; or
  - (c) the Mayor at any time gives him notice terminating his appointment as Deputy Mayor.
- (9) A person who ceases to be Deputy Mayor shall be eligible for reappointment.

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### *Chair and Deputy Chair of the Assembly*

#### **50 Functions.**

- (1) There shall be—
  - (a) an office of Chair of the London Assembly (the Chair of the Assembly); and
  - (b) an office of Deputy Chair of the London Assembly (the Deputy Chair of the Assembly).
- (2) The Chair of the Assembly shall have—
  - (a) the function of chairing meetings of the Assembly; and
  - (b) such other functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.
- (3) Subsection (2)(a) above is subject to any provision made by or under this Act or any other enactment, whenever passed or made, or by the standing orders of the Authority.
- (4) The Deputy Chair of the Assembly shall have—
  - (a) the function of chairing meetings of the Assembly when authorised or required to do so by or under this Act or any other enactment, whenever passed or made, or in accordance with the standing orders of the Authority; and
  - (b) such other functions as may be conferred or imposed upon him by or under this Act or any other enactment, whenever passed or made.

#### **51 Appointment.**

- (1) The Chair of the Assembly and the Deputy Chair of the Assembly shall each be elected at a meeting of the Assembly.
- (2) The Chair of the Assembly and the Deputy Chair of the Assembly must be elected from among the members of the Assembly.
- (3) A person must not hold the offices of Chair of the Assembly and Deputy Chair of the Assembly at the same time except as provided by subsection (7) below.
- (4) The Deputy Mayor is not eligible to be the Chair of the Assembly or the Deputy Chair of the Assembly.
- (5) If the Deputy Chair of the Assembly is elected to fill a vacancy in the office of Chair of the Assembly, a vacancy shall occur in the office of Deputy Chair of the Assembly.
- (6) If a vacancy occurs in the office of Chair of the Assembly or Deputy Chair of the Assembly, the first business at the next meeting of the Assembly shall be to fill the vacancy.
- (7) If a vacancy occurs in the office of Chair of the Assembly and there is a person who is the Deputy Chair of the Assembly, that person shall (subject to the other provisions of this Act or any other enactment) also be the Chair of the Assembly until such time as the vacancy is filled in accordance with subsection (6) above.
- (8) A person elected Chair of the Assembly or Deputy Chair of the Assembly shall not act in that office unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.

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### *Meetings and procedure of the Assembly*

#### **52 Meetings of the whole Assembly.**

- (1) The Assembly may hold, in addition to any meetings required to be held by or under this section or any other enactment, such other meetings as it may determine.
- (2) Before the expiration of the period of ten days following the day of the poll at an ordinary election, there shall be a meeting of the Assembly to elect—
  - (a) the Chair of the Assembly; and
  - (b) the Deputy Chair of the Assembly.
- (3) On such ten occasions in each calendar year as the Assembly may determine, there shall be a meeting of the Assembly—
  - (a) to consider the written report submitted for the meeting by the Mayor under section 45 above,
  - (b) to enable Assembly members to put—
    - (i) oral or written questions to the Mayor, and
    - (ii) oral questions to any employees of the Authority who are required to attend such meetings and answer questions put to them by Assembly members; and
  - (c) to transact any other business on the agenda for the meeting.
- (4) The first meeting under subsection (3) above after an ordinary election shall be held not later than 25 days after the day of the poll at the election.
- [<sup>F21</sup>(4A) There must be at least 21 clear days between a meeting under subsection (3) above and the last such meeting before it, but this does not apply to the gap between the first such meeting after an ordinary election and the last such meeting before that election.]
- (5) Notice of the time and place of any meeting of the Assembly—
  - (a) shall be given to the Mayor and the Assembly members, and
  - (b) shall be published,
 in accordance with the standing orders of the Authority.
- (6) In the case of a meeting of the Assembly under subsection (3) above, the notice required by subsection (5) above must be given and published—
  - (a) if the meeting is the first such meeting after an ordinary election, as soon as reasonably practicable after the day of the poll at that election; or
  - (b) in any other case, at least [<sup>F22</sup>14] clear days before the meeting.
- <sup>F23</sup>(7) .....
- (8) An extraordinary meeting of the Assembly may be called at any time by the Chair of the Assembly.
- (9) If—
  - (a) the Chair of the Assembly refuses to call an extraordinary meeting of the Assembly after a requisition for that purpose, signed by five Assembly members, has been presented to him, or
  - (b) if, without so refusing, the Chair of the Assembly does not call an extraordinary meeting within seven days after such a requisition has been presented to him,



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any five Assembly members may forthwith call an extraordinary meeting of the Assembly.

- (10) Section 54 below shall not apply in relation to any function of the Assembly under this section.

#### Textual Amendments

- F21** S. 52(4A) inserted (18.11.2003) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 69(2)**; S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)
- F22** Word in s. 52(6)(b) substituted (18.11.2003) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 69(3)**; S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)
- F23** S. 52(7) repealed (18.11.2003) by Local Government Act 2003 (c. 26), s. 128(3)(e)(f), **Sch. 7 para. 69(4), Sch. 8 Pt. 1**; S.I. 2003/2938, art. 2(a)(h)(iv) (with art. 8, Sch.)

### 53 Assembly procedure.

- (1) All questions coming before, or to be decided by, the Assembly shall be decided by a majority of the members of the Assembly present and voting at a meeting of the Assembly.
- (2) In the case of an equality of votes, the person chairing the meeting of the Assembly shall have a second or casting vote.
- (3) Subsections (1) and (2) above are subject to any provision to the contrary contained in this or any other enactment.
- (4) The Assembly may determine its own procedure and that of its committees and sub-committees (including quorum).
- (5) Subsection (4) above is subject to—
- subsections (1) and (2) above;
  - sections 50 to 52 above;
  - section 56 below;
  - Schedules 6 and 7 to this Act; and
  - any other provision made by or under this Act or any other Act (whenever passed) which regulates, or provides for the regulation of, the procedure of the Assembly or committees of the Assembly.

### 54 Discharge of functions by committees or single members.

- (1) The Assembly may arrange for any of the functions exercisable by it to be discharged on its behalf—
- by a committee or sub-committee of the Assembly; or
  - by a single member of the Assembly.
- (2) The Assembly may arrange for a member of staff of the Authority appointed under section 67(2) below to exercise on the Assembly's behalf any function exercisable by the Assembly under section 67(2) or 70(2) below.
- (3) Where by virtue of this section any functions exercisable by the Assembly may be discharged by a committee of the Assembly, then, unless the Assembly otherwise

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directs, the committee may arrange for the discharge of any of those functions by a sub-committee or by a single member of the Assembly.

- (4) Where by virtue of this section any functions exercisable by the Assembly may be discharged by a sub-committee of the Assembly, then, unless the Assembly or the committee concerned otherwise directs, the sub-committee may arrange for the discharge of any of those functions by a single member of the Assembly.
- (5) Any arrangements made under this section by the Assembly, or by a committee or sub-committee of the Assembly, for the discharge of any functions by—
- (a) a committee or sub-committee of the Assembly,
  - (b) a member of the Assembly, or
  - (c) a member of staff of the Authority,
- shall not prevent the Assembly, or the committee or sub-committee by whom the arrangements are made, from exercising those functions.
- (6) Subsection (1)(b) above does not apply in relation to functions under or by virtue of section 20A of the <sup>M31</sup>Police Act 1996 (questions by Assembly members to representatives of the Metropolitan Police Authority).
- (7) Subsections (1) to (3) of section 53 above shall apply in relation to a meeting of a committee or sub-committee of the Assembly as they apply in relation to a meeting of the Assembly.
- (8) Subsections (1) to (5) above are subject to any express provision contained in this Act or any Act passed after this Act.

#### Modifications etc. (not altering text)

- C9** S. 54 excluded (*prosp.*) by 1999 c. 29, ss. 73(12), 425(2) (with **Sch. 12 para. 9(1)**)  
S. 54 excluded (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1988 c. 41, s. 115A(10)  
(as inserted (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 131(9) (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, arts. 3, 4  
S. 54 excluded (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1998 c. 18, s. 11A(12) (as inserted (8.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 133(2), **Sch. 8 para. 4** (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, arts. 3, 4

#### Marginal Citations

- M31** 1996 c. 16.

## 55 Assembly committees and sub-committees.

- (1) For the purpose of discharging, in pursuance of arrangements under section 54(1)(a) above, any functions exercisable by the Assembly—
- (a) the Assembly may appoint a committee of the Assembly (an ordinary committee); and
  - (b) an ordinary committee may appoint one or more sub-committees (ordinary sub-committees).
- (2) Subject to the provisions of this section—
- (a) the number of members, and
  - (b) their term of office,

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shall be fixed in the case of an ordinary committee by the Assembly or, in the case of an ordinary sub-committee, by the appointing committee.

- (3) An ordinary committee or sub-committee must not include any person who is not an Assembly member.
- (4) The Assembly may appoint one or more committees (advisory committees) to advise it on any matter relating to the discharge of its functions.
- (5) An advisory committee—
  - (a) may consist of such persons (whether Assembly members or not) appointed for such term as may be determined by the Assembly; and
  - (b) may appoint one or more sub-committees (advisory sub-committees) to advise the committee with respect to any matter on which the committee has been appointed to advise.

## **56 Minutes.**

- (1) Minutes of the proceedings of a meeting of the Assembly, or of any committee or sub-committee of the Assembly, shall be kept in such form as the Assembly may determine.
- (2) Any such minutes shall be signed at the same or next suitable meeting of the Assembly, committee or sub-committee by the person presiding at that meeting.
- (3) Any minute purporting to be signed as mentioned in subsection (2) above shall be received in evidence without further proof.
- (4) For the purposes of subsection (2) above, the next suitable meeting of the Assembly, or of a committee or sub-committee of the Assembly, is their next following meeting or, where standing orders of the Authority provide for another meeting to be regarded as suitable, either the next following meeting or that other meeting.
- (5) In the application of this section in the case of a meeting of the Assembly under section 52(3) above, minutes includes—
  - (a) the text of any question put pursuant to section 52(3) above at the meeting, and
  - (b) the text of the answer given to any such question,whether the question was put, or the answer given, orally or in writing.

## **57 Political composition of Assembly committees.**

- (1) Sections 15 to 17 of, and Schedule 1 to, the <sup>M32</sup>Local Government and Housing Act 1989 (political balance on committees etc) shall have effect in relation to the Assembly, so far as relating to the appointment of members of its committees, as if the Assembly were a relevant authority and its ordinary committees and advisory committees were ordinary or, as the case may be, advisory committees within the meaning of those provisions (and accordingly bodies to which section 15 of that Act applies).
- (2) In the case of any committee of the Assembly, the first appointment of members of the committee shall be an occasion on which the duty imposed by subsection (1) of section 15 of that Act arises in relation to the committee.

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### Marginal Citations

M32 1989 c. 42.

## 58 Openness.

- (1) Part VA of the <sup>M33</sup>Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) shall have effect as if—
- (a) the Assembly were a principal council, and
  - (b) any committee or sub-committee of the Assembly were a committee or sub-committee of a principal council, within the meaning of that Part,
- but with the following modifications.
- (2) In the application of Part VA of that Act by subsection (1) above—
- (a) any information furnished to the Authority and available to the Assembly shall be treated as information furnished to the Assembly;
  - (b) any offices of, or belonging to, the Authority shall be treated as also being offices of or belonging to the Assembly; and
  - (c) the proper officer of the Authority shall be taken to be the proper officer in relation to the Assembly.
- (3) In the following provisions of that Act, namely—
- (a) section 100A(2) (which requires the exclusion of the public from meetings and makes other provision to prevent disclosure of confidential information in breach of the obligation of confidence), and
  - (b) section 100D(4) (which prevents the inclusion in a list of documents of any document which would so disclose such information),
- any reference to the disclosure (or likelihood of disclosure) of confidential information in breach of the obligation of confidence includes a reference to the disclosure of information of any of the descriptions specified in subsection (4) below without the consent of the relevant body concerned.
- (4) The descriptions are—
- (a) any information relating to the financial or business affairs of any particular person which was acquired in consequence of a relationship between that person and a relevant body;
  - (b) the amount of any expenditure proposed to be incurred by a relevant body under any particular contract, if and so long as disclosure would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the relevant body, whether the advantage would arise against the relevant body or another such person;
  - (c) any terms proposed or to be proposed by or to a relevant body in the course of negotiations for any particular contract, if and so long as disclosure would prejudice the relevant body in those or any other negotiations concerning the subject matter of the contract;
  - (d) the identity of any person as the person offering any particular tender for a contract for the supply of goods or services to a relevant body;

and in this subsection relevant body means Transport for London or the London Development Agency.

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- (5) In section 100C of that Act (inspection of minutes and other documents after meetings) any reference to the minutes of a meeting shall, in the case of a meeting of the Assembly under section 52(3) above, be taken to include a reference to—
  - (a) the text of any question put pursuant to section 52(3) above at the meeting, and
  - (b) the text of the answer given to any such question,whether the question was put, or the answer given, orally or in writing.
- (6) Nothing in section 100D of that Act (inspection of background papers) requires or authorises the inclusion in any such list as is referred to in subsection (1) of that section of any document which discloses anything which, by virtue of subsection (6) of section 45 above, is not required to be disclosed under subsection (3) or (4) of that section.
- (7) In section 100E of that Act (application to committees and sub-committees) subsection (3)(a) shall have effect as if section 55 above were included among the enactments specified in section 101(9) of that Act.
- (8) For the purposes of section 100F of that Act (additional rights of access to documents for members of principal councils) any document which is in the possession or under the control of the Authority and which is available to the Assembly shall be treated as a document which is in the possession or under the control of the Assembly.
- (9) In the case of the Assembly, the register of members required to be maintained under section 100G(1) of that Act shall, instead of stating the ward or division which a member represents, state—
  - (a) whether the member is a London member or a constituency member; and
  - (b) if he is a constituency member, the Assembly constituency for which he is the member.
- (10) For the purposes of section 100H(3) of that Act (acts which infringe copyright) the Authority shall be treated as a principal council.
- (11) In the application in relation to the Assembly of Schedule 12A to that Act (access to information: exempt information) any reference to the authority includes a reference to the Authority.

#### Marginal Citations

M33 1972 c. 70.

### *General functions of the Assembly*

#### **59 Review and investigation.**

- (1) The Assembly shall keep under review the exercise by the Mayor of the statutory functions exercisable by him.
- (2) For the purposes of subsection (1) above, the powers of the Assembly include in particular power to investigate, and prepare reports about,—
  - (a) any actions and decisions of the Mayor,
  - (b) any actions and decisions of any member of staff of the Authority,
  - (c) matters relating to the principal purposes of the Authority,

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- (d) matters in relation to which statutory functions are exercisable by the Mayor, or
- (e) any other matters which the Assembly considers to be of importance to Greater London.

## **60 Proposals to the Mayor.**

- (1) Where the Assembly decides to do so, the Assembly may submit a proposal to the Mayor.
- (2) Section 54 above shall not apply in relation to the function of the Assembly under subsection (1) above.

### *Attendance of witnesses and production of documents*

## **61 Power to require attendance at Assembly meetings.**

- (1) Subject to section 63 below, the Assembly may require any person to whom subsection (2), (3), (4) or (5) below applies—
  - (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
  - (b) to produce to the Assembly documents in his possession or under his control.
- (2) This subsection applies to—
  - (a) any person who is a member of staff of the Authority, or of any functional body, to whom sections 1 to 3 of the <sup>M34</sup>Local Government and Housing Act 1989 apply,
  - (b) any person who is the chairman of, or a member of, any functional body, and
  - (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the chairman of, or a member of, any functional body.
- (3) This subsection applies to—
  - (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above had a contractual relationship with the Authority, and
  - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above had such a relationship.
- (4) This subsection applies to—
  - (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above received a grant from the Authority, and
  - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above received such a grant.
- (5) This subsection applies to—
  - (a) any person who is an Assembly member,
  - (b) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been an Assembly member, and

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- (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the Mayor.
- (6) A requirement imposed under subsection (1) above on a person falling within subsection (2) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with matters in relation to which statutory functions are exercisable by the Authority or any functional body, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to those matters.
- (7) A requirement imposed under subsection (1) above on a person falling within subsection (3) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the contractual relationship with the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that contractual relationship.
- (8) A requirement imposed under subsection (1) above on a person falling within subsection (4) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the grant received from the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that grant.
- (9) A requirement imposed under subsection (1) above on a person falling within subsection (5) above—
  - (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the exercise by the person attending of the functions of the Authority, and
  - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to the exercise of those functions by that person.
- (10) Nothing in this section shall require a person appointed under section 67(1) or (2) below to—
  - (a) give any evidence, or
  - (b) produce any documents,which disclose advice given by that person to the Mayor.
- (11) Nothing in this section shall require a person who is—
  - (a) a member of a functional body, or
  - (b) a member of staff of a functional body,to give any evidence, or produce any document, which discloses advice given to the Mayor by that person or, except as provided by subsection (12) below, by that functional body.
- (12) Subsection (11) above does not relieve a person from a requirement to give any evidence, or produce any document, which discloses advice given to the Mayor by—
  - (a) the Metropolitan Police Authority, or
  - (b) the London Fire and Emergency Planning Authority,if or to the extent that the advice falls within subsection (13) below.

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- (13) Advice given to the Mayor by a functional body falls within this subsection if it has been disclosed—
- (a) at a meeting of, or of a committee or sub-committee of, the functional body at a time when the meeting was open to members of the public by virtue of Part VA of the <sup>M35</sup>Local Government Act 1972 (access to meetings and documents); or
  - (b) in a document which has been open to inspection by members of the public by virtue of that Part of that Act.
- (14) For the purposes of this section and sections 62 to 65 below—
- (a) document means anything in which information is recorded in any form (and references to producing a document are to the production of the information in it in a visible and legible form, including the production of a copy of the document or an extract of the relevant part of the document),
  - (b) any reference to a member of staff of a body includes a reference to an officer or employee of that body, and
  - (c) any reference to proceedings is a reference to proceedings at a meeting.

#### Marginal Citations

M34 1989 c. 42.

M35 1972 c. 70.

## 62 Procedure for requiring attendance.

- (1) The powers of the Assembly under section 61(1) above may be exercised by and for the purposes of an ordinary committee of the Assembly, if the committee is expressly authorised to exercise those powers by the standing orders or by the Assembly, but may not be exercised by any individual Assembly member or by any member of staff of the Authority.
- (2) Except in the case of a committee which is authorised by standing orders to exercise the powers of the Assembly under section 61(1) above, section 54 above shall not apply in relation to—
  - (a) the Assembly’s function of deciding to exercise its powers under section 61(1) above; or
  - (b) the Assembly’s function under subsection (1) above of authorising a committee to exercise those powers.
- (3) In order to impose a requirement on a person under section 61(1) above the head of the Authority’s paid service must give him notice specifying—
  - (a) the time and place at which he is to attend and the matters about which he is to be required to give evidence, or
  - (b) the documents, or types of documents, which he is to produce, the date by which he is to produce them and the matters to which the document or documents relate.
- (4) Where a requirement under section 61(1) above is imposed on a person to attend proceedings or produce documents on behalf of a body, the notice required to be given to him under subsection (3) above must also specify that body.



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- (5) A notice required by subsection (3) above to be given to a person must be given at least two weeks before the day on which the proceedings are to take place, or by which the documents are to be produced, unless he waives this right.
- (6) A notice required by subsection (3) above to be given to a person shall be taken to have been given to him if it is sent by registered post or the recorded delivery service and—
  - (a) if he is a member of staff of the Authority or the chairman of, a member of, or a member of staff of a functional body, it is sent to his normal place of work,
  - (b) if he is a person required to attend proceedings or produce documents on behalf of a body, it is sent to the registered or principal office of the body,
  - (c) if he is any other individual, it is sent to his usual or last known address, or
  - (d) in the case of any person, where that person has given an address for service of the notice, it is sent to that address.

### 63 Restriction of information.

The Secretary of State may by order—

- (a) prescribe categories of information which a person who is required under subsection (1)(a) of section 61 above to attend proceedings of the Assembly may refuse to give, or
- (b) prescribe categories of documents which a person who is required under subsection (1)(b) of that section to produce documents may refuse to produce.

#### Commencement Information

**18** [S.63](#) partly in force: s.63 in force at Royal Assent (11.11.1999) for certain purposes, see [s.425\(2\)](#)

### 64 Failure to attend proceedings etc.

- (1) A person to whom a notice under section 62(3) above has been given is guilty of an offence if he—
  - (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
  - (b) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice,
  - (c) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
  - (d) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him.
- (2) A person guilty of an offence under subsection (1) above is liable on summary conviction to—
  - (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding three months.
- (3) A person is not obliged by section 61 above to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

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## 65 Proceedings under section 61(1): openness.

- (1) In its application by virtue of section 58 above, Part VA of the <sup>M36</sup>Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), so far as relating to any proceedings under section 61(1) above (the evidentiary proceedings), shall have effect with the following additional modifications.
- (2) In section 100B (access to agenda and connected reports) any reference to a report for a meeting includes a reference to any document (other than the agenda) supplied before, and for the purposes of, the evidentiary proceedings (a relevant document).
- (3) If a report or relevant document is supplied less than three clear days before the evidentiary proceedings, copies of the report or document shall be open to inspection by the public under subsection (1) of that section from the time such copies are available to Assembly members, notwithstanding anything in subsection (3) of section 100B.
- (4) In section 100C (inspection of minutes and other documents after meetings)—
  - (a) any reference to the minutes of a meeting shall be taken to include a reference to a transcript or other record of evidence given in the course of the evidentiary proceedings; and
  - (b) any reference to a report for the meeting includes a reference to a relevant document.
- (5) In section 100D (inspection of background papers) any reference in subsections (1) to (4) to background papers for a report (or part of a report) shall be taken as a reference to any additional documents supplied by a witness.
- (6) In this section, additional documents supplied by a witness means documents supplied, whether before, during or after the evidentiary proceedings,—
  - (a) by a person attending to give evidence at the proceedings, and
  - (b) for the use of Assembly members in connection with the proceedings,
 but does not include any document which is a relevant document.
- (7) In section 100F (additional rights of access for members) subsections (2) to (4) shall not have effect in relation to documents which contain material relating to any business to be transacted at the evidentiary proceedings.
- (8) In section 100H (supplemental provisions and offences) in subsection (6), in the definition of accessible documents—
  - (a) the reference in paragraph (d) to a report for the meeting includes a reference to a relevant document; and
  - (b) the reference in paragraph (e) to background papers for a report for a meeting shall be taken as a reference to any additional documents supplied by a witness.

### Marginal Citations

M36 1972 c. 70.

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### *Ethical standards*

#### **66 The Secretary of State's guidance on ethical standards.**

- (1) The Secretary of State may issue guidance to the Authority with respect to ethical standards for—
  - (a) the Mayor;
  - (b) the Assembly members;
  - (c) members of the Authority's staff; and
  - (d) persons not falling within paragraphs (a) to (c) above who are members of advisory committees or sub-committees of the Assembly.
- (2) The matters which may be dealt with in any such guidance include—
  - (a) disclosure and registration of interests;
  - (b) the exercise of functions by or on behalf of the Mayor, the Deputy Mayor, any member of the Assembly, any member of the Authority's staff or any committee or sub-committee in cases where the Mayor, Deputy Mayor, member of the Assembly or member of staff, or a member of the committee or sub-committee, has an interest in the matter in question;
  - (c) voting in cases where an Assembly member, or any other person who is a member of an advisory committee or sub-committee, has an interest in the matter in question;
  - (d) the establishment and functions of one or more committees concerned with ethical standards;
  - (e) the prescription of model codes of conduct.
- (3) In exercising any functions conferred or imposed on him, or made exercisable by him, the Mayor and every Assembly member shall have regard to any guidance issued under this section.

### *Staff*

#### **67 Appointment.**

- (1) The Mayor may appoint—
  - (a) not more than two persons as his political advisers; and
  - (b) not more than ten other members of staff.
- (2) The Assembly, after consultation with the Mayor and taking into account, in particular, —
  - (a) the manner in which, and the extent to which, the Mayor has exercised, or proposes to exercise, the powers conferred by subsection (1) above, and
  - (b) any views of the Mayor as to the exercise of the Assembly's powers under this subsection,may appoint such staff as it considers necessary for the proper discharge of such functions of the Authority as are respectively exercisable by the Mayor, the Assembly, and the Mayor and Assembly acting jointly.
- (3) Any appointment under subsection (1) or (2) above is an appointment as an employee of the Authority.

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- (4) No appointment under subsection (1) above shall be such as to extend beyond the term of office for which the Mayor was elected.
- (5) Where the Mayor makes an appointment under subsection (1) above, he shall report to the Assembly in writing—
  - (a) the name of the person appointed,
  - (b) the post to which the person has been appointed, and
  - (c) the terms and conditions on which the person has been appointed.
- (6) Section 7 of the <sup>M37</sup>Local Government and Housing Act 1989 (staff to be appointed on merit) shall apply in relation to any appointment under subsection (1)(b) or (2) above as if the Authority were a local authority.
- (7) Section 8 of that Act (duty to adopt standing orders with respect to staff) shall apply in relation to staff appointed under subsection (1) or (2) above as if the Authority were a relevant authority.
- (8) Section 9(1), (9) and (11) of that Act (assistants for political groups) shall apply in relation to any appointment under subsection (1)(a) above as if—
  - (a) the Authority were a relevant authority; and
  - (b) any appointment to either of the posts in question were the appointment of a person in pursuance of that section.

#### Marginal Citations

M37 1989 c. 42.

## 68 Disqualification and political restriction.

- (1) The following provisions of the <sup>M38</sup>Local Government and Housing Act 1989, namely—
  - (a) section 1 (disqualification and political restriction of certain officers and staff), and
  - (b) sections 2 and 3 (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section,
 shall have effect as if each of the bodies specified in subsection (2) below were a local authority.
- (2) The bodies are—
  - (a) the Authority;
  - (b) Transport for London;
  - (c) the London Development Agency.
- (3) A person employed by the Authority by virtue of his appointment under section 67(1)(b) above shall not, by virtue only of subsections (1) and (2) above, be disqualified from being or becoming an unpaid member of Transport for London or the London Development Agency.
- (4) For the purposes of subsection (3) above, the unpaid members of any body are those members of the body who do not receive any remuneration (whether from the body, the Authority or any other source) which they would not receive if they were not members of the body.

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- (5) In section 2(3) of that Act, as it has effect in relation to the Authority by virtue of subsections (1) and (2)(a) above, any reference to the authority shall be taken to include a reference to the Mayor and a reference to the Assembly.
- (6) In section 2 of that Act, so far as it has effect for the purposes of section 1 of that Act, the expression the statutory chief officers shall be taken to include a reference to the chief finance officer, within the meaning of section 127 below,—
- (a) of Transport for London, and
  - (b) of the London Development Agency,
- whether he is an officer, employee, member of staff or member of Transport for London or, as the case may be, the London Development Agency.
- (7) In the application of section 2 of that Act in relation to the London Development Agency by virtue of subsections (1) and (2)(c) above, any reference to the person designated under section 4 of that Act as its head of paid service shall be taken as a reference to the chief executive of the London Development Agency appointed under paragraph 4(2) of Schedule 2 to the<sup>M39</sup>Regional Development Agencies Act 1998.

**Marginal Citations**

**M38** 1989 c. 42.

**M39** 1998 c. 45.

**69 Disqualification for membership of London borough councils.**

In section 80 of the<sup>M40</sup>Local Government Act 1972 (disqualification for election and holding office as member of a local authority) after subsection (2) there shall be inserted—

- “(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—
- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
  - (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,
- shall be disqualified for being elected or being a member of any of those London borough councils.”

**Marginal Citations**

**M40** 1972 c. 70.

**70 Terms and conditions of employment.**

- (1) A person appointed under section 67(1) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Mayor thinks fit, within the financial resources available to the Authority.

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- (2) A person appointed under section 67(2) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Assembly, after consultation with the Mayor, thinks fit.
- (3) A person appointed under section 67(1) above shall not be required to perform any work or services for the Assembly or any member of the Assembly, except in accordance with subsection (4) below.
- (4) It shall be a condition of the employment of—
- (a) any person appointed under section 67(1)(b) above, and
  - (b) any person holding a politically restricted post under the Authority, other than a person appointed under section 67(1)(a) above,
- that he comply with the requirements of subsection (5) below.
- (5) Those requirements are that the person—
- (a) attends every meeting of the Assembly held pursuant to section 52(3) above which he is requested by the Assembly to attend; and
  - (b) answers any questions put to him by Assembly members at any such meeting.
- (6) The requirement of subsection (5)(b) above is that the person shall—
- (a) so far as reasonably practicable, answer any such question orally at the meeting at which it is put; or
  - (b) if for any reason it is not reasonably practicable to do that, provide a written answer before the end of the third working day following the day on which the question was first asked at the meeting.
- (7) For the purposes of subsection (4)(b) above, any question whether a person holds a politically restricted post under the Authority shall be determined in accordance with sections 2 and 3 of the <sup>M41</sup>Local Government and Housing Act 1989 (politically restricted posts) as those sections have effect for the purposes of section 1 of that Act by virtue of section 68(1) above.
- (8) In this section working day has the same meaning as in section 45 above.

#### **Modifications etc. (not altering text)**

- C10** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C11** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

#### **Marginal Citations**

- M41** 1989 c. 42.

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## 71 Disclosure by employees of interests in contracts.

Section 117 of the <sup>M42</sup>Local Government Act 1972 (disclosure by officers of interests in contracts) shall apply in relation to employees of the Authority as if the Authority were a local authority and its employees were officers employed by that local authority.

### Modifications etc. (not altering text)

- C12** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)
- C13** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

### Marginal Citations

**M42** 1972 c. 70.

## 72 Head of paid service.

- (1) Section 4 of the <sup>M43</sup>Local Government and Housing Act 1989 (designation and reports of head of paid service) shall apply in relation to the Authority as if—
  - (a) the Authority were a relevant authority for the purposes of that section; and
  - (b) the Mayor and Assembly members were the members of that authority.
- (2) The person who, by virtue of subsection (1) above, is designated under section 4(1) (a) of the <sup>M44</sup>Local Government and Housing Act 1989 as the head of the Authority's paid service must be a member of staff appointed under section 67(2) above.
- (3) In the application of section 4 of the <sup>M45</sup>Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.
- (4) The duty imposed by subsection (1)(a) (appointment of head of paid service) shall be discharged by the Assembly after consultation with the Mayor.
- (5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the head of paid service)—
  - (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and
  - (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.
- (6) Any report prepared under subsection (2) (report by head of paid service) shall be a report to the Mayor and the Assembly.
- (7) The references to functions in paragraphs (a) and (b) of subsection (3) (matters concerning which proposals may be made in a report under subsection (2)) shall be taken as references to the functions of the Authority, whether exercisable by the Mayor, the Assembly, or the Mayor and Assembly acting jointly.

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- (8) It shall be the duty of the Mayor personally to consider any report to the Mayor and Assembly under subsection (2).
- (9) The meeting required by subsection (5) to be held to consider any such report shall be a meeting of the Assembly which must not be held until—
- (a) the Mayor has submitted to the Chair of the Assembly a written statement of his views on the report; or
  - (b) the period of one month has elapsed since copies of the report were first sent to members of the Assembly without the Mayor having submitted any such statement;
- and the reference in that subsection to section 101 of the <sup>M46</sup>Local Government Act 1972 (delegation) shall be taken as a reference to section 54 above.
- (10) In considering any such report at any such meeting, the Assembly shall take account of any views on the report which have been expressed by the Mayor in a statement submitted under subsection (9)(a) above.

**Modifications etc. (not altering text)**

**C14** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

**Marginal Citations**

**M43** 1989 c. 42.  
**M44** 1989 c. 42.  
**M45** 1989 c. 42.  
**M46** 1972 c. 70.

**73 Monitoring officer.**

- (1) Section 5 of the <sup>M47</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer) shall apply in relation to the Authority as if—
- (a) the Authority were a relevant authority for the purposes of that section; and
  - (b) the Mayor and Assembly members were the members of that authority.
- (2) The person who, by virtue of subsection (1) above, is designated under section 5(1) (a) of the <sup>M48</sup>Local Government and Housing Act 1989 as the Authority's monitoring officer must be a member of staff appointed under section 67(2) above.
- (3) In the application of section 5 of the <sup>M49</sup>Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.
- (4) The duty imposed by subsection (1)(a) (appointment of monitoring officer) shall be discharged by the Assembly after consultation with the Mayor.
- (5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the monitoring officer)—
- (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and



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- (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.

(6) For subsection (2) there shall be substituted—

“(2) It shall be the duty of the Greater London Authority’s monitoring officer, if at any time it appears to him that any proposal, decision or omission of a GLA body or person has given rise to, or is likely to or would give rise to—

- (a) a contravention by that or any other GLA body or person of any enactment or rule of law or of any code of practice made or approved by or under any enactment, or  
(b) any such maladministration or injustice as is mentioned in Part III of the <sup>M50</sup>Local Government Act 1974 (Local Commissioners),

to prepare a report to the Mayor and the Assembly with respect to that proposal, decision or omission.

In this subsection GLA body or person means—

- (a) the Greater London Authority;  
(b) Transport for London, when exercising any function of the Greater London Authority by virtue of section 38 of the Greater London Authority Act 1999;  
(c) the London Development Agency, when exercising any function of the Greater London Authority by virtue of section 38 [<sup>F24</sup>or 380]of the Greater London Authority Act 1999;  
(d) the Mayor of London;  
(e) the London Assembly;  
(f) any committee or sub-committee of the London Assembly;  
(g) any committee or sub-committee of Transport for London or the London Development Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 [<sup>F25</sup>(or in the case of the London Development Agency section 380)]of the Greater London Authority Act 1999;  
(h) any joint committee to which the Mayor of London has power to appoint members (whether or not the power is the subject of an authorisation under section 38(1) of the Greater London Authority Act 1999);  
(j) the Deputy Mayor of London;  
(k) any member of the London Assembly;  
(l) any member of staff of the Greater London Authority;  
(m) any member, or member of staff, of Transport for London or the London Development Agency, when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 [<sup>F26</sup>(or, in the case of a member or member of staff of the London Development Agency, section 380)]of the Greater London Authority Act 1999;

and in the above definition of GLA body or person any reference to a member of staff of a body includes a reference to an officer or employee of that body.”

(7) The duties imposed on the Authority by subsection (5) (to consider any report and to ensure that during the period of suspension no step is taken for giving effect to any proposal or decision to which the report relates)—

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- (a) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor (or, by virtue of an authorisation under section 38(1) above [<sup>F27</sup> or section 380 below], by a GLA body or person), shall be discharged by the Mayor;
  - (b) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Assembly (or, by virtue of arrangements under section 54 above, by a GLA body or person), shall be discharged by the Assembly; and
  - (c) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor and the Assembly acting jointly, shall be discharged separately—
    - (i) by the Mayor, as if the case fell within paragraph (a) above, and
    - (ii) by the Assembly, as if the case fell within paragraph (b) above.
- (8) Accordingly—
- (a) in its application in relation to the Mayor by virtue of subsection (7)(a) or (c)(i) above, paragraph (a) of subsection (5) shall have effect with the substitution for the words “ at a meeting held not more than ” of within; and
  - (b) in the application of that paragraph by virtue of subsection (7)(b) or (c)(ii) above, the meeting required to be held shall be a meeting of the Assembly.
- (9) In paragraph (b) of subsection (5), the reference to section 115 of the <sup>M51</sup>Local Government and Housing Act 1989 (duties in respect of conduct involving contraventions of financial obligations) shall include a reference to section 115A of that Act (which is inserted by section 131(9) below and makes provision in relation to the Mayor and the Assembly).
- (10) Where by virtue of subsection (7) above the Mayor or the Assembly is under a duty to consider a report, the Mayor or the Assembly in discharging that duty shall take account of any views on the report which have been expressed by the other of them in a statement submitted—
- (a) by the Assembly to the Mayor; or
  - (b) by the Mayor to the Chair of the Assembly.
- (11) Standing orders of the Authority shall make provision for or in connection with—
- (a) the period within which any statement by virtue of subsection (10) above must be submitted;
  - (b) the consideration of any such statement by the Mayor or, as the case may be, the Assembly;
  - (c) the period within which any meeting of the Assembly required by subsection (5) by virtue of subsection (7)(b) or (c)(ii) above must, or must not, be held.
- (12) Neither section 38 above [<sup>F28</sup>, section 54 above nor section 380 below] shall apply in relation to the duty imposed on the Mayor or the Assembly by virtue of subsection (7) above to consider a report.

#### Textual Amendments

**F24** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(c) words inserted (27.5.2000) by S.I. 2000/1435, art. 2, Sch. Pt. 1 para. 5(1)(2)(a)

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- F25** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(g) words inserted (27.5.2000) by S.I. 2000/1345, art. 2, **Sch. Pt. 1 para. 5(1)(2)(b)**
- F26** S. 73(6): In the substituted 1989 c. 42 in s. 5(2)(m) words inserted (27.5.2000) by S.I. 2000/1345, art. 2, **Sch. Pt. 1 para. 5(1)(2)(c)**
- F27** Words in s. 73(7)(a) inserted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(3)**
- F28** Words in s. 73(12) substituted (27.5.2000) by S.I. 2000/1435, art. 2, **Sch. Pt. 1 para. 5(1)(4)**

#### **Modifications etc. (not altering text)**

- C15** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)
- C16** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, **Sch. 1 para. 1**)

#### **Marginal Citations**

- M47** 1989 c. 42.  
**M48** 1989 c. 42.  
**M49** 1989 c. 42.  
**M50** 1974 c. 7.  
**M51** 1989 c. 42.

### *General local authority provisions*

#### **74 Investigation by Commission for Local Administration.**

- (1) Part III of the <sup>M52</sup>Local Government Act 1974 (local government administration) shall be amended as follows.
- (2) In section 25(1) (authorities to which the Part applies) after paragraph (a) there shall be inserted—  
“(aaa) the Greater London Authority;”.
- (3) In section 25, after subsection (4) (which extends references to certain authorities to include their members, committees, etc) there shall be inserted—  
“(4A) Any reference to an authority to which this Part of this Act applies also includes, in the case of the Greater London Authority, a reference to each of the following—  
(a) the London Assembly;  
(b) any committee of the London Assembly;  
(c) any body or person exercising functions on behalf of the Greater London Authority.”
- (4) In section 30 (reports on investigations) after subsection (2) there shall be inserted—  
“(2AA) If the authority concerned is the Greater London Authority—  
(a) the duty imposed by subsection (1)(c) above shall be discharged by sending the report or statement to both the Mayor of London and the London Assembly; and

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- (b) in a case falling within subsection (2) above, the duty imposed by that subsection shall be discharged by sending the report or statement to both the Mayor of London and the London Assembly.”
- (5) After subsection (3) of that section (which restricts the naming or identification of persons) there shall be inserted—
- “(3AA) Nothing in subsection (3) above prevents a report—
- (a) mentioning the name of, or
- (b) containing particulars likely to identify,
- the Mayor of London or any member of the London Assembly.”
- (6) After subsection (7) of that section there shall be added—
- “(8) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority (other than functions exercisable by or in relation to the proper officer of the Authority) shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to the proper officer or a member of the authority concerned) shall be construed accordingly.”
- (7) In section 31 (reports on investigations: further provisions) after subsection (3) there shall be added—
- “(4) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to a member of the authority concerned) shall be construed accordingly.”
- (8) In section 31A (consideration of adverse reports) in subsection (6) (which provides that section 25(4) and (5) do not apply) after 25(4) there shall be inserted “ , (4A) ”.
- (9) After subsection (6) of that section there shall be inserted—
- “(7) Where the authority concerned is the Greater London Authority, any functions exercisable under this section by or in relation to the Authority shall be exercisable by or in relation to the Mayor and the Assembly acting jointly on behalf of the Authority, and references to the authority concerned (other than references to a member of the authority concerned) shall be construed accordingly.”
- (10) In section 34(1) (interpretation of Part III) in the definition of member, after the word member, there shall be inserted—
- “(a) in relation to the Greater London Authority, means—
- (i) the Mayor of London,
- (ii) the Deputy Mayor, or
- (iii) a member of the London Assembly;
- (b)”;
- and before the words in relation to a National Park Authority there shall be inserted “ (c) ”.

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#### Modifications etc. (not altering text)

- C17** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)
- C18** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

#### Marginal Citations

- M52** 1974 c. 7.

### 75 Provisions of 1972 Act relating to documents, notices etc.

- (1) For the purposes of the provisions of the <sup>M53</sup>Local Government Act 1972 specified in subsection (2) below, the Authority shall be treated as if it were a local authority which is a principal council and the Mayor shall be treated as if he were the chairman of such an authority.
- (2) The provisions are—
- section 224 (arrangements by principal councils for custody of documents);
  - section 225 (deposit of documents with proper officer of authority etc);
  - section 228 (inspection of documents);
  - section 229 (photographic copies of documents);
  - section 230 (reports and returns);
  - section 231 (service of notices on local authorities etc);
  - section 232 (public notices);
  - section 233 (service of notices by local authorities);
  - section 234 (authentication of documents).
- (3) In the application of any enactment in relation to the Authority by virtue of subsection (1) above, any reference to the proper officer shall be taken as a reference to the proper officer of the Authority, within the meaning of this Act.

#### Modifications etc. (not altering text)

- C19** Ss. 70, 71, 73-75 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)
- C20** Ss. 70-75 restricted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52U(2)-(11) (as inserted (27.7.1999 with application as mentioned above) by 1999 c. 27, s. 30, Sch. 1 para. 1)

#### Marginal Citations

- M53** 1972 c. 70.

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## 76 Byelaws.

- (1) Section 236 of the <sup>M54</sup>Local Government Act 1972 (procedure for byelaws) shall be amended as follows.
- (2) In subsection (1) after “and to byelaws made by a local authority,” there shall be inserted “ the Greater London Authority ”.
- (3) After subsection (10A) there shall be inserted—
  - “(10B) The Greater London Authority shall send a copy of every byelaw made by the Authority, and confirmed, to each London borough council and the Common Council.”

### Marginal Citations

**M54** 1972 c. 70.

## *Bills in Parliament*

## 77 Power of Authority to promote or oppose Bills in Parliament.

- (1) The Authority may—
  - (a) promote a local Bill in Parliament for any purpose which is for the public benefit of the inhabitants of, or of any part of, Greater London; or
  - (b) oppose any local Bill in Parliament which affects any such inhabitants.
- (2) Section 70 of the <sup>M55</sup>Local Government Act 1972 (prohibition on promoting Bills for changing local government areas etc) shall have effect in relation to the Authority as it has effect in relation to a local authority.
- (3) The functions conferred on the Authority by subsection (1) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (4) The functions conferred on the Authority by subsection (1)(a) above are exercisable subject to, and in accordance with, the provisions of Schedule 5 to this Act.
- (5) Before exercising the functions conferred on the Authority by subsection (1)(b) above, the Mayor shall consult the Assembly.
- (6) No payment shall be made by the Authority (whether acting by the Mayor, the Assembly or the Mayor and Assembly acting jointly) to the Mayor or an Assembly member for acting as counsel or agent in promoting or opposing a Bill under this section.
- (7) A London borough council or the Common Council may contribute towards the expenses of the Authority in promoting a local Bill in Parliament.

### Marginal Citations

**M55** 1972 c. 70.

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## **78 Power to request provisions in Bills promoted by London local authorities.**

- (1) A local Bill promoted in Parliament by a London local authority may include provisions requested by the Authority.
- (2) Subsection (1) above applies only if the Authority confirms the request in writing as soon as practicable after the expiration of 14 days after the Bill has been deposited in Parliament.
- (3) If the Authority does not confirm the request as required by subsection (2) above, it shall give notice of that fact to the London local authority promoting the Bill.
- (4) Where notice under subsection (3) above is given to a London local authority, that authority shall take all necessary steps for the omission from the Bill of the provisions in question or, if those provisions were requested also by other London local authorities under section 87 of the <sup>M56</sup>Local Government Act 1985, of those provisions so far as relating to the Authority.
- (5) The functions conferred or imposed on the Authority by subsections (1) to (3) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (6) Before exercising the functions conferred on the Authority by subsection (1) or (2) above, the Mayor shall consult the Assembly.
- (7) If, in accordance with this section, the Authority requests the inclusion of provisions in a Bill promoted by a London local authority, the Authority may contribute towards the expenses of the London local authority in connection with the Bill.
- (8) In consequence of the other provisions of this section, in section 87(3) of the <sup>M57</sup>Local Government Act 1985 (consequences of non-confirmation of requests by London local authorities for inclusion of provisions in Bills promoted by others) after other councils there shall be inserted “ , or by the Greater London Authority under section 78 of the Greater London Authority Act 1999, ”.
- (9) In this section London local authority means—
  - (a) a London borough council; or
  - (b) the Common Council.

### **Marginal Citations**

**M56** 1985 c. 51.

**M57** 1985 c. 51.

## **79 Authority’s consent to inclusion of certain provisions in local Bills.**

- (1) A local Bill promoted in Parliament by a London local authority may include provisions which affect the exercise of statutory functions by the Authority or any of the functional bodies.
- (2) Subsection (1) above applies only if the Authority—
  - (a) gives its written consent; 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.

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- (3) If the Authority does not confirm the consent as required by subsection (2)(b) above, the Authority shall give notice of that fact to the London local authority promoting the Bill.
- (4) Where notice under subsection (3) above is given to a London local authority, that authority shall take all necessary steps for the omission from the Bill of the provisions in question or, if those provisions were requested by other London local authorities under section 87 of the <sup>M58</sup>Local Government Act 1985, of those provisions so far as relating to the Authority or the functional body concerned.
- (5) The functions conferred or imposed on the Authority by subsections (2) and (3) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (6) Before exercising the functions conferred on the Authority by subsection (2)(a) or (b) above, the Mayor shall consult the Assembly.
- (7) Nothing in this section applies in relation to provisions requested under section 78 above.
- (8) In this section London local authority means—
  - (a) a London borough council; or
  - (b) the Common Council.

**Marginal Citations**

**M58** 1985 c. 51.

*Contracts*

**80 Public supply or works contracts.**

In Schedule 2 to the <sup>M59</sup>Local Government Act 1988 (which specifies the public authorities to which section 17 of that Act applies) after the entry A local authority there shall be inserted—

“The Greater London Authority.”

**Marginal Citations**

**M59** 1988 c. 9.



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## PART III

### FINANCIAL PROVISIONS

#### CHAPTER I

#### COUNCIL TAX

##### *Different categories of dwellings*

#### 81 Amounts for different categories of dwellings.

In section 30 of the <sup>M60</sup>Local Government Finance Act 1992 (amounts for different categories of dwellings) there shall be added at the end—

“(10) Where the major precepting authority in question is the Greater London Authority, subsections (2)(b) and (4) above shall have effect as if the references to sections 43 to 47 below were references to the appropriate Greater London provisions.

(11) In this section, the appropriate Greater London provisions means—

- (a) sections 85 to 90 of the Greater London Authority Act 1999 and section 47 below; or
- (b) in the case of calculations by way of substitute, sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and section 47 below.”

#### Commencement Information

**I9** S. 81 wholly in force at 12.1.2000; s. 81 not in force at Royal Assent see s. 425(2); s. 81 in force at 12.1.2000 by [S.I. 1999/3434](#), [art. 2](#) (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

**M60** 1992 c. 14.

##### *Precepts*

#### 82 Authority to be a major precepting authority.

(1) Section 39 of the <sup>M61</sup>Local Government Finance Act 1992 (precepting and precepted authorities) shall be amended as follows.

(2) In subsection (1) (major precepting authorities) after paragraph (a) there shall be inserted—

“(aa) the Greater London Authority;”.

(3) Paragraphs (e) and (f) of that subsection (which relate to the London Fire and Civil Defence Authority and the Receiver for the Metropolitan Police District) shall cease to have effect.

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#### Commencement Information

**I10** S. 82 partly in force; s. 82 not in force at Royal Assent see s. 425(2); s. 82(1)(2) in force at 12.1.2000 by S.I. 1999/3434, **art. 2** (subject to transitional provisions in Sch. 1 Table 1); s. 82(3) in force for certain purposes at 12.1.2000 by S.I. 1999/3434, **art. 2**; s. 82(3) in force (1.1.2001) in so far as not already in force by S.I. 2000/3379, **art. 2(a)** (subject to transitional provisions in **art. 3**)

#### Marginal Citations

**M61** 1992 c. 14.

### 83 Issue of precepts.

In section 40 of the <sup>M62</sup>Local Government Finance Act 1992 (issue of precepts by major precepting authorities) there shall be added at the end—

“(9) Where the precepting authority is the Greater London Authority, this section shall have effect with the following modifications—

- (a) in subsection (2)(a), for the reference to sections 43 to 47 below there shall be substituted a reference to the appropriate Greater London provisions;
- (b) in subsection (3), for the reference to sections 43 to 47 below there shall be substituted a reference to the appropriate Greater London provisions;
- (c) in subsection (6), for the reference to item T in section 44(1) below there shall be substituted a reference to item T in section 88(2) of the Greater London Authority Act 1999; and
- (d) also in subsection (6), for the reference to item TP in section 45(3) below there shall be substituted a reference to item TP2 in section 89(4) of that Act.

(10) In this section, the appropriate Greater London provisions means—

- (a) sections 85 to 90 of the Greater London Authority Act 1999 and section 47 below; or
- (b) in the case of calculations by way of substitute, sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and section 47 below.”

#### Commencement Information

**I11** S. 83 wholly in force at 12.1.2000; s. 83 not in force at Royal Assent see s. 425(2); s. 83 in force at 12.1.2000 by S.I. 1999/3434, **art. 2** (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

**M62** 1992 c. 14.

### 84 Substituted precepts.

(1) Section 42 of the <sup>M63</sup>Local Government Finance Act 1992 (substitute precepts) shall be amended as follows.

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- (2) In subsection (1) (duty to issue substitute precepts on making of substitute calculations under certain provisions specified in paragraph (b)) in paragraph (b), after section 51 below there shall be inserted “ or section 95 of the Greater London Authority Act 1999 ”.

#### Marginal Citations

M63 1992 c. 14.

### *Budget requirements*

#### **85 Calculation of component and consolidated budget requirements.**

- (1) Section 43 of the <sup>M64</sup>Local Government Finance Act 1992 shall not apply in relation to the Authority, and the following provisions of this section and section 86 below shall have effect in relation to the Authority in place of that section.
- (2) In relation to each financial year, the Authority shall make the calculations required by this section.
- (3) The Authority must, in the case of each constituent body, that is to say—
- (a) the Authority, and
  - (b) each of the functional bodies,
- calculate the aggregates required by virtue of subsections (4) and (5) below.
- (4) The aggregate required by virtue of this subsection in the case of a constituent body is the aggregate of—
- (a) the expenditure the Authority estimates the body will incur in the year in performing its functions and will charge to a revenue account for the year, other than expenditure which the Authority estimates will be so incurred in pursuance of regulations under section 99(3) of the 1988 Act;
  - (b) such allowance as the Authority estimates will be appropriate for contingencies in relation to expenditure to be charged to a revenue account for the year;
  - (c) the financial reserves which the Authority estimates it will be appropriate for the body to raise in the year for meeting the body’s estimated future expenditure; and
  - (d) such of the body’s financial reserves as are sufficient to meet so much of the amount estimated by the Authority to be a revenue account deficit of the body for any earlier financial year as has not already been provided for.
- (5) The aggregate required by virtue of this subsection in the case of a constituent body is the aggregate of—
- (a) the sums which the Authority estimates will be payable to the body for the year and in respect of which amounts will be credited to a revenue account for the year, other than sums which the Authority estimates will be so payable—
    - (i) in respect of redistributed non-domestic rates, revenue support grant, additional grant, relevant special grant, police grant or general GLA grant;
    - (ii) in respect of any precept issued by the Authority; or

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- (iii) in pursuance of regulations under section 99(3) of the <sup>M65</sup>Local Government Finance Act 1988; and
- (b) the amount of the body's financial reserves which the Authority estimates that the body will use in order to provide for the items mentioned in paragraphs (a) and (b) of subsection (4) above.
- (6) If, in the case of any constituent body, the aggregate calculated under subsection (4) above exceeds that calculated under subsection (5) above—
- (a) the Authority must calculate the amount equal to the difference; and
- (b) the amount so calculated shall be the body's component budget requirement for the year.
- (7) If, in the case of any constituent body, the aggregate calculated under subsection (4) above does not exceed that calculated under subsection (5) above, the body's component budget requirement for the year shall be nil.
- (8) The Authority must also calculate the aggregate of the component budget requirements of each of the constituent bodies and that aggregate shall be the Authority's consolidated budget requirement for the year.
- [<sup>F29</sup>(9) In this section, any reference to expenditure incurred by a body in any financial year includes the following (whether or not giving rise to actual payments)—
- (a) any amount which does not form part of the body's capital receipts for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance) and which is set aside for the year by the body as provision to meet credit liabilities; and
- (b) any other amount which is set aside for the year by the body as reasonably necessary for the purpose of providing for any liability or loss which is likely or certain to be incurred but is uncertain as to the amount or the date on which it will arise (or both).]

#### Textual Amendments

- F29** S. 85(9) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 70](#); [S.I. 2003/2938, art. 6\(d\)\(i\)](#) (with [art. 8, Sch.](#))

#### Modifications etc. (not altering text)

- C21** S. 85 modified (E.) (5.2.2000) by [S.I. 2000/213, art. 6](#)  
S. 85 modified (2.2.2001 with effect as mentioned in reg. 1(3) of the amending S.I.) by [S.I. 2001/216, reg. 6](#)
- C22** S. 85(5)(a)(i) modified (E.) (1.2.2002) by [S.I. 2002/155, reg. 6](#)
- C23** S. 85(5)(a)(i) modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003 \(S.I. 2003/195\), regs. 1\(1\), 6](#)
- C24** S. 85(5)(a)(i) modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2004 \(S.I. 2004/243\), regs. 1\(1\), 6](#)
- C25** S. 85(5)(a)(i) modified (E.) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005 \(S.I. 2005/190\), regs. 1\(1\), 6](#)

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**Commencement Information**

**I12** S. 85 wholly in force at 12.1.2000; s. 85 not in force at Royal Assent see s. 425(2); s. 85 in force at 12.1.2000 by **S.I. 1999/3434**, **art. 2** (subject to transitional provisions in Sch. 1 Table 1)

**Marginal Citations**

**M64** 1992 c. 14.

**M65** 1988 c. 41.

**86 Provisions supplemental to section 85.**

(1) An amount must not be brought into account under subsection (4) or (5) of section 85 above in the application of the subsection in relation to the Authority as a constituent body if the amount (or an amount which represents it) falls to be brought into account under the same subsection in its application in relation to a functional body.

(2) In estimating under subsection (4)(a) of section 85 above in the case of any constituent body other than the Metropolitan Police Authority, the Authority shall take into account the amount of any levy issued to the body for the year, but (except as provided by regulations under section 74 of the <sup>M66</sup>Local Government Finance Act 1988) shall not anticipate a levy not issued.

<sup>F30</sup>(3) .....

(4) For the purposes of subsection (4)(c) of section 85 above a body's estimated future expenditure is—

(a) that which the Authority estimates the body will incur in the financial year following the year in question, will charge to a revenue account for the year and will have to defray in the year before the following sums are sufficiently available, namely, sums—

(i) which will be payable to it for the year; and

(ii) in respect of which amounts will be credited to a revenue account for the year; and

(b) that which the Authority estimates the body will incur in the financial year referred to in paragraph (a) above or any subsequent financial year in performing its functions and which will be charged to a revenue account for that or any other year.

(5) The Secretary of State may by regulations do one or both of the following—

(a) alter the constituents of any calculation to be made under subsection (4) or (5) of section 85 above (whether by adding, deleting or amending items);

(b) alter the rules governing the making of any calculation under subsection (4) or (5) of section 85 above (whether by deleting or amending subsections (2) to (4) above, or any of them, or by adding other provisions, or by a combination of those methods).

(6) Subsection (9) of section 85 above applies for the purposes of this section as it applies for the purposes of that section.

**Textual Amendments**

**F30** S. 86(3) repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2223, **art. 3(j)(i)(iii)**

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#### Commencement Information

**I13** S. 86 wholly in force at 12.1.2000; by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 86 in force at 12.1.2000 insofar as not already in force by [S.I. 1999/3434](#), [art. 2](#) (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

**M66** [1988 c. 41](#).

### 87 Procedure for determining the budget requirements.

Schedule 6 to this Act (which contains procedural requirements for determining the component budget requirements and the consolidated budget requirement) shall have effect.

#### *Calculation of tax payable*

### 88 Calculation of basic amount of tax.

- (1) Section 44 of the <sup>M67</sup>Local Government Finance Act 1992 shall not apply in relation to the Authority and the following provisions of this section shall have effect in relation to the Authority in place of that section.
- (2) In relation to each financial year the Authority shall calculate the basic amount of its council tax by applying the formula—

$$\frac{R - P1 - A}{T}$$

where—

R is the amount calculated (or last calculated) by the Authority under section 85(8) above as its consolidated budget requirement for the year;

P1 is the aggregate of such amounts as may be prescribed, being amounts representing the sums which the Secretary of State estimates will be payable to the Authority for the year in respect of the following items—

- (a) redistributed non-domestic rates,
- (b) revenue support grant,
- (c) general GLA grant,
- (d) additional grant, and
- (e) relevant special grant,

but in the case of each item reduced, as may be prescribed, by such amount as the Secretary of State considers represents the portion of the item which relates to defraying the special item in whole or in part;

A is the amount of the special item;

T is the aggregate of the amounts which are calculated by the billing authorities to which the Authority issues precepts (the billing authorities concerned) as their

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council tax bases for the year for their areas and are notified by them to the Authority within the prescribed period.

- (3) In the definition of P1 in subsection (2) above, prescribed means specified in, or determined in accordance with, either—
- (a) the appropriate report or determination, or
  - (b) regulations made by the Secretary of State,
- as the Secretary of State may determine in the case of any particular item and any particular financial year or years.
- (4) In subsection (3)(a) above, the appropriate report or determination means—
- (a) in the case of an item specified in paragraph (a) or (b) of the definition of P1 in subsection (2) above, the local government finance report for the financial year in question;
  - (b) in the case of the item specified in paragraph (c) of that definition, the determination under section 100 below for the financial year in question;
  - (c) in the case of the item specified in paragraph (d) of that definition, the report under section 85 of the <sup>M68</sup>Local Government Finance Act 1988 relating to that item; and
  - (d) in the case of the item specified in paragraph (e) of that definition, the report under section 88B of that Act relating to that item.
- (5) The aggregate of the sums mentioned in item P1 in subsection (2) above shall be—
- (a) increased by the aggregate amount of any sums which the Authority estimates will be paid to it in the year by billing authorities in accordance with regulations under section 99(3) of the <sup>M69</sup>Local Government Finance Act 1988; and
  - (b) reduced by the aggregate amount of any sums which the Authority estimates will be paid by it in the year to billing authorities in accordance with such regulations.
- (6) The Secretary of State shall make regulations containing rules for making for any year the calculations required by item T in subsection (2) above; and the billing authorities concerned shall make the calculations for any year in accordance with the rules for the time being effective (as regards the year) under the regulations.
- (7) Regulations prescribing a period for the purposes of item T in subsection (2) above may provide that, in any case where a billing authority fails to notify its calculation to the precepting authority within that period, that item shall be determined in the prescribed manner by such authority or authorities as may be prescribed.
- (8) The Secretary of State may by regulations do one or both of the following—
- (a) alter the constituents of any calculation to be made under subsection (2) above (whether by adding, deleting or amending items);
  - (b) alter the rules governing the making of any calculation under subsection (2) above (whether by deleting or amending subsections (3) to (5) above, or any of them, or by adding other provisions, or by a combination of those methods).
- (9) Any negative amount given by a calculation under subsection (2) above shall be assumed to be nil for the purposes of this Chapter and Chapter IV of Part I of the <sup>M70</sup>Local Government Finance Act 1992.
- (10) In this section special item has the same meaning as it has in section 89 below (see subsection (2) of that section).

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#### Modifications etc. (not altering text)

- C26** S. 88 modified (E.) (1.2.2002) by [S.I. 2002/155, reg. 7](#)
- C27** S. 88 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003 \(S.I. 2003/195\)](#), regs. 1(1), 7
- C28** S. 88 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2004 \(S.I. 2004/243\)](#), regs. 1(1), 7
- C29** S. 88 modified (E.) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005 \(S.I. 2005/190\)](#), regs. 1(1), 7

#### Commencement Information

- I14** S. 88 wholly in force at 12.1.2000; by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 88 in force at 12.1.2000 insofar as not already in force by [S.I. 1999/3434, art. 2, Sch. 1](#) Table 1 (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

- M67** 1992 c. 14.
- M68** 1988 c. 41.
- M69** 1988 c. 41.
- M70** 1992 c. 14.

### 89 Additional calculations: special item for part of Greater London.

- (1) Section 45 of the <sup>M71</sup>Local Government Finance Act 1992 shall not apply in relation to the Authority, and the following provisions of this section shall have effect in relation to the Authority in place of that section.
- (2) The following provisions of this section apply where for any financial year the item mentioned in [<sup>F31</sup>section 90(1)] below relates to a part only of Greater London; and in this section—
- special item means that item; and
  - the relevant part, in relation to such an item, means the part of Greater London concerned.
- (3) The Authority shall calculate the basic amount of its council tax for dwellings in any part of its area to which the special item relates by adding to the amount given by the formula in section 88(2) above the amount which, in respect of the special item, is given by the formula in subsection (4) below.
- (4) For dwellings in any part of Greater London to which the special item relates, the amount in respect of the special item is given by the formula—

$$\frac{S2 - P2}{TP2}$$

where—



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S2 is the amount of the special item;

P2 is the aggregate of such amounts as may be prescribed, being amounts representing the sums which the Secretary of State estimates will be payable to the Authority for the year in respect of the following items—

- (a) police grant,
- (b) redistributed non-domestic rates,
- (c) revenue support grant,
- (d) general GLA grant,
- (e) additional grant, and
- (f) relevant special grant,

but in the case of each item restricted, as may be prescribed, to such amount (if any) as the Secretary of State considers represents the portion of the item which relates to defraying the special item in whole or in part;

TP2 is the aggregate of the amounts which are calculated by the billing authorities to which the Authority has power to issue precepts as respects the special item (the billing authorities concerned) as their council tax bases for the year for their areas and are notified by them to the Authority within the prescribed period.

(5) In the definition of P2 in subsection (4) above, prescribed means specified in, or determined in accordance with, either—

- (a) the appropriate report or determination, or
- (b) regulations made by the Secretary of State,

as the Secretary of State may determine in the case of any particular item and any particular financial year or years.

(6) In subsection (5)(a) above, the appropriate report or determination means—

- (a) in the case of the item specified in paragraph (a) of the definition of P2 in subsection (4) above, the police grant report under section 46(3) of the <sup>M72</sup>Police Act 1996 for the financial year in question;
- (b) in the case of an item specified in paragraph (b) or (c) of that definition, the local government finance report for the financial year in question;
- (c) in the case of the item specified in paragraph (d) of that definition, the determination under section 100 below for the financial year in question;
- (d) in the case of the item specified in paragraph (e) of that definition, the report under section 85 of the <sup>M73</sup>Local Government Finance Act 1988 relating to that item; and
- (e) in the case of the item specified in paragraph (f) of that definition, the report under section 88B of that Act relating to that item.

(7) Subsections (6) and (7) of section 88 above, and any regulations made under or by virtue of either of those subsections, shall have effect in relation to the calculation of TP2 in subsection (4) above as they have effect in relation to the calculation of T in subsection (2) of that section.

(8) Any negative amount given by a calculation under this section shall be assumed to be nil for the purposes of this Chapter and Chapter IV of Part I of the <sup>M74</sup>Local Government Finance Act 1992.

(9) The Secretary of State may by regulations do one or both of the following—

- (a) alter the constituents of any calculation to be made under or by virtue of subsection (3) above (whether by adding, deleting or amending items);

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- (b) alter the rules governing the making of any calculation under or by virtue of that subsection (whether by deleting or amending subsections (3) to (8) above, or any of them, or by adding other provisions, or by a combination of those methods).

#### Textual Amendments

**F31** Words in s. 89(2) substituted (27.5.2000) by [S.I. 2000/1435](#), [art. 2](#), [Sch. Pt. 1 para. 6](#)

#### Modifications etc. (not altering text)

**C30** S. 89 modified (E.) (1.2.2002) by [S.I. 2002/155](#), [reg. 8](#)

**C31** S. 89 modified (E.) (5.2.2000) by [S.I. 2000/213](#), [art. 7](#)

S. 89 modified (2.2.2001 with effect as mentioned in reg. 1(3) of the amending S.I.) by [S.I. 2001/216](#), [reg. 7](#)

**C32** S. 89 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003](#) ([S.I. 2003/195](#)), [regs. 1\(1\), 8](#)

**C33** S. 89 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2004](#) ([S.I. 2004/243](#)), [regs. 1\(1\), 8](#)

**C34** S. 89 modified (E.) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005](#) ([S.I. 2005/190](#)), [regs. 1\(1\), 8](#)

#### Commencement Information

**I15** S. 89 wholly in force at 12.1.2000; by virtue of s. 425(2) the Act comes into force in regards to any power of a Minister of the Crown to make regulations or an order; s. 89 in force at 12.1.2000 insofar as not already in force by [S.I. 1999/3434](#), [art. 2](#) (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

**M71** 1992 c. 14.

**M72** 1996 c. 16.

**M73** 1988 c. 41.

**M74** 1992 c. 14.

## 90 The special item for the purposes of section 89.

- (1) The item referred to in section 89(2) above is the special expense of the Metropolitan Police Authority.
- (2) For the purposes of subsection (1) above, the special expense of the Metropolitan Police Authority is the difference between—
- the aggregate calculated (or last calculated) under subsection (4) of section 85 above in relation to the Metropolitan Police Authority, and
  - the amount calculated (or last calculated) under subsection (5) of that section in relation to that Authority,
- unless the aggregate referred to in paragraph (a) above does not exceed the aggregate referred to in paragraph (b) above, in which case the special expense is nil.
- (3) For the purposes of section 89 above, the special item relates to the part of Greater London which consists of the metropolitan police district.

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## 91 Special items: amendments of section 46 of the 1992 Act.

- (1) Section 46 of the <sup>M75</sup>Local Government Finance Act 1992 (special items for the purposes of section 45 of that Act) shall be amended as follows.
- (2) In subsection (2) (special expenses) paragraph (d) (which relates to inner London etc) shall cease to have effect.
- (3) In subsection (3) (areas to which special expenses relate) paragraph (d) (which relates to inner London etc) shall cease to have effect.
- (4) In subsection (4) (interpretation)—
  - (a) the definition of inner London area, and
  - (b) the words from and any reference to the end of the subsection (which relate to parts of Greater London),shall cease to have effect.

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### Marginal Citations

M75 1992 c. 14.

## 92 Calculation of tax for different valuation bands.

- (1) Section 47 of the <sup>M76</sup>Local Government Finance Act 1992 (calculation of tax for different valuation bands) shall be amended as follows.
- (2) After subsection (1) (which contains a formula and definitions of the terms used in the formula) there shall be inserted—

“(1A) Where the precepting authority is the Greater London Authority, subsection (1) above shall have effect with the substitution of the following definition for the definition of A—

“A is the amount calculated (or last calculated) by the Greater London Authority for that year under section 88(2) of the Greater London Authority Act 1999 or, where section 89 of that Act applies, the amount calculated (or last calculated) by it for that year under subsection (3) of that section in relation to that category of dwellings; ”.”
- (3) After subsection (2) there shall be inserted—

“(3) Where the precepting authority is the Greater London Authority, subsection (2) above shall have effect with the substitution for the reference to section 45 above of a reference to section 89 of the Greater London Authority Act 1999”.

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### Commencement Information

**I16** S. 92 wholly in force at 12.1.2000; s. 92 not in force at Royal Assent see s. 425(2); s. 92 in force at 12.1.2000 insofar as not already in force by S.I. 1999/3434, art. 2 (subject to transitional provisions in Sch. 1 Table 1)

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#### Marginal Citations

M76 1992 c. 14.

### 93 Calculation of amount payable by each billing authority.

(1) Section 48 of the <sup>M77</sup>Local Government Finance Act 1992 (calculation of amount payable by each billing authority) shall be amended as follows.

(2) In subsection (1) there shall be added at the end “; and—

- (a) subsection (1A) below applies in relation to a precept issued by the Greater London Authority; and
- (b) subsections (2) to (6) below apply in relation to a precept issued otherwise than by the Greater London Authority.”

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

“(1A) Where an amount calculated (or last calculated) for the year under section 88(2) or 89(3) of the Greater London Authority Act 1999 applies to dwellings in the billing authority’s area, the amount payable by that authority shall be calculated by applying the formula—

$$CxT$$

where—

C is the amount so calculated; and

T is the amount which, in relation to the billing authority, is determined for item T in section 33(1) above.”

#### Commencement Information

I17 S. 93 wholly in force at 12.1.2000; s. 93 not in force at Royal Assent see s. 425(2); s. 93 in force at 12.1.2000 by S.I. 1999/3434, art. 2 (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

M77 1992 c. 14.

*Substitute calculations etc.*

### 94 Substitute calculations under section 49 of the 1992 Act.

(1) Section 49 of the <sup>M78</sup>Local Government Finance Act 1992 (substitute calculations) shall be amended as follows.

(2) For subsection (1) (power to make substitute calculations) there shall be substituted—

“(1) A major precepting authority which has made calculations in relation to a financial year in accordance with—

- (a) sections 43 to 48 above (originally or by way of substitute),

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- (b) sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, or
  - (c) sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and sections 47 and 48 above (by way of substitute),
- may make calculations in substitution in relation to the year in accordance with the relevant provisions.
- (1A) For the purposes of subsection (1) above, the relevant provisions are—
- (a) in a case falling within paragraph (a), the provisions specified in that paragraph; and
  - (b) in a case falling within paragraph (b) or (c), the provisions specified in paragraph (c).”
- (3) In subsection (2) (cases where substitute calculations do not have effect)—
- (a) at the beginning of paragraph (a) there shall be inserted “ in the case of a major precepting authority other than the Greater London Authority, ”; and
  - (b) after paragraph (a) there shall be inserted—
    - “(aa) in a case where the major precepting authority is the Greater London Authority—
      - (i) the amount of any component budget requirement calculated under subsections (4) to (7) of section 85 of the Greater London Authority Act 1999,
      - (ii) the amount calculated under subsection (8) of that section, or
      - (iii) any amount calculated under section 88(2) or 89(3) of that Act as the basic amount of council tax applicable to any dwelling,
 would exceed that so calculated in the previous calculations; or”.
  - (c) in paragraph (b), after fails to comply with subsection (3) there shall be inserted “ or (3A) ”.
- (4) After subsection (3) (requirement to use previous values of T and TP) there shall be inserted—
- “(3A) In making substitute calculations under section 88(2) or 89(3) of the Greater London Authority Act 1999, the authority must use any amount determined in the previous calculations for item P1 or T in section 88(2) of that Act or for item P2 or item TP2 in section 89(4) of that Act.”
- (5) After subsection (4) (permitted increases for the purposes of subsection (3)) there shall be inserted—
- “(4A) For the purposes of subsection (3A) above, the authority may treat any amount determined in the previous calculations—
- (a) for item P1 in section 88(2) of the Greater London Authority Act 1999, or
  - (b) for item P2 in section 89(4) of that Act,
- as increased by the relevant portion of any new additional grant.
- (4B) For the purposes of subsection (4A) above, the relevant portion of any new additional grant means the amount of any additional grant payable to the

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authority for the year which was not taken into account by the authority in making the previous calculations, but—

- (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part; and
- (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;

and special item has the same meaning in this subsection as in sections 88 and 89 of the Greater London Authority Act 1999 (see section 89(2) of that Act).

(4C) In subsection (4B) above, prescribed means specified in, or determined in accordance with, either—

- (a) the report under section 85 of the <sup>M79</sup>Local Government Finance Act 1988 relating to the amount of additional grant in question, or
- (b) regulations made by the Secretary of State under section 88(3)(b) of the Greater London Authority Act 1999 (in relation to item P1) or under section 89(5)(b) of that Act (in relation to item P2),

as the Secretary of State may determine for the purposes of paragraph (a) or (b) of that subsection and any particular financial year or years.”

(6) After subsection (5) (cases where previous calculations quashed for non-compliance with sections 43 to 48) there shall be inserted—

“(6) Subsections (2) and (3A) above shall not apply if the previous calculations have been quashed because of a failure to comply with the appropriate Greater London provisions in making the calculations.

(7) For the purposes of subsection (6) above, the appropriate Greater London provisions means—

- (a) in the case of calculations required to be made in accordance with sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, those provisions; and
- (b) in the case of calculations required to be made in accordance with sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and sections 47 and 48 above, those provisions.

(8) Where the major precepting authority is the Greater London Authority, any substitute calculations under this section shall be made in accordance with Schedule 7 to the Greater London Authority Act 1999.”

#### Commencement Information

**I18** S. 94 wholly in force at 3.7.2000; s. 94 not in force at Royal Assent see s. 425(2); s. 94 in force at 3.7.2000 by [S.I. 1999/3434](#), [art. 4](#) (subject to transitional provisions in Sch. 1 Table 2)

#### Marginal Citations

**M78** 1992 c. 14.

**M79** 1988 c. 41.

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**Status:** Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.

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## 95 Minimum budget for Metropolitan Police Authority.

- (1) This section applies where the Authority—
- (a) has made calculations in relation to a financial year in accordance with sections 85 to 90 above and sections 47 and 48 of the <sup>M80</sup>Local Government Finance Act 1992, or
  - (b) has made substitute calculations in relation to a financial year in accordance with sections 85, 86 and 88 to 90 above and Schedule 7 to this Act and sections 47 and 48 of that Act,
- but it appears to the Secretary of State that the Metropolitan Police Authority, in order to restore or maintain an efficient and effective police force for its area, requires a greater component budget requirement than that previously calculated under section 85 above.
- (2) Where this section applies, the Secretary of State may direct the Authority that there must be a component budget requirement for the Metropolitan Police Authority for the year which is not less than such amount as may be specified in the direction.
- (3) The amount specified in a direction under subsection (2) above shall be that which the Secretary of State considers the minimum necessary in order for the Metropolitan Police Authority to restore or maintain an efficient and effective police force for its area.
- (4) Where a direction is given under this section, the Authority shall make calculations in substitution in relation to that year under subsections (4) to (7) of section 85 above in relation to—
- (a) the Metropolitan Police Authority alone; or
  - (b) the Metropolitan Police Authority and one or more other constituent bodies.
- (5) If the result of the substitute calculations is such that—
- (a) there is an increase in the Authority's consolidated budget requirement for the year, or
  - (b) there is no such increase, but the results of calculations in substitution made in accordance with sections 85, 86 and 88 to 90 above and Schedule 7 to this Act and sections 47 and 48 of the <sup>M81</sup>Local Government Finance Act 1992 would be different from the last relevant calculations in relation to the year,
- the Authority shall make calculations in substitution in relation to the year in accordance with those provisions.
- (6) In subsection (5) above, the last relevant calculations means the last calculations made by the Authority in relation to the year in accordance with—
- (a) sections 85 to 90 above and sections 47 and 48 of the <sup>M82</sup>Local Government Finance Act 1992, or
  - (b) sections 85, 86 and 88 to 90 above and Schedule 7 to this Act and sections 47 and 48 of that Act.
- (7) None of the substitute calculations shall have any effect if—
- (a) the amount calculated under section 85(6) or (7) above for the Metropolitan Police Authority is not in compliance with the direction; or
  - (b) there is an increase in the Authority's consolidated budget requirement for the year (as last calculated) which exceeds the minimum increase required to be made to the component budget requirement for the Metropolitan Police

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- Authority (as last calculated for the year) to comply with the direction under subsection (2) above; or
- (c) in making substitute calculations under section 88(2) or 89(3) above, the Authority fails to comply with subsection (8) below.
- (8) In making substitute calculations under section 88(2) or 89(3) above, the Authority must use any amount determined in the previous calculations for item P1 or T in section 88(2) above or for item P2 or item TP2 in section 89(4) above.
- (9) For the purposes of subsection (8) above, the Authority may treat any amount determined in the previous calculations for item P1 in section 88(2) above or item P2 in section 89(4) above as increased by the relevant portion of any new additional grant.
- (10) For the purposes of subsection (9) above, the relevant portion of any new additional grant means the amount of any additional grant payable to the Authority for the year which was not taken into account by the Authority in making the previous calculations, but—
- (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part; and
- (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;
- and special item has the same meaning in this subsection as in sections 88 and 89 above (see section 89(2)).
- (11) In subsection (10) above, prescribed means specified in, or determined in accordance with, either—
- (a) the report under section 85 of the <sup>M83</sup>Local Government Finance Act 1988 relating to the amount of additional grant in question, or
- (b) regulations made by the Secretary of State under section 88(3)(b) above (in relation to item P1) or under section 89(5)(b) above (in relation to item P2),
- as the Secretary of State may determine for the purposes of paragraph (a) or (b) of that subsection and any particular financial year or years.
- (12) Subsections (7)(c) and (8) above shall not apply if the previous calculations have been quashed because of a failure to comply with the appropriate Greater London provisions in making the calculations.
- (13) For the purposes of subsection (12) above, the appropriate Greater London provisions means—
- (a) in the case of calculations required to be made in accordance with sections 85 to 90 above and sections 47 and 48 of the <sup>M84</sup>Local Government Finance Act 1992, those provisions; and
- (b) in the case of calculations required to be made in accordance with sections 85, 86 and 88 to 90 above and Schedule 7 to this Act and sections 47 and 48 of that Act, those provisions.
- (14) Any substitute calculations under this section shall be made in accordance with Schedule 7 to this Act.



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#### Modifications etc. (not altering text)

**C35** S. 95 modified (3.7.2000) by 1996 c. 16, s. 96B(6) (as inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 104 (with Sch. 12 para. 9(1))); S.I. 2000/1648, art. 2, Sch.

#### Marginal Citations

**M80** 1992 c. 14.

**M81** 1992 c. 14.

**M82** 1992 c. 14.

**M83** 1988 c. 41.

**M84** 1992 c. 14.

## 96 Provisions supplemental to section 95.

- (1) The Authority must—
  - (a) make the substitute calculations required by section 95 above, and
  - (b) where applicable, issue any precepts in substitution required in consequence under section 42 of the <sup>M85</sup>Local Government Finance Act 1992, before the end of the period of 35 days beginning with the day on which it receives the direction under section 95 above.
- (2) If the Authority fails to comply with the requirements mentioned in paragraph (a) or (b) of subsection (1) above within the period mentioned in that subsection, any authority to which it has power to issue a precept shall have no power during the period of restriction to pay anything in respect of a precept issued by the Authority for the year.
- (3) For the purposes of subsection (2) above, the period of restriction is the period which—
  - (a) begins at the end of the period mentioned in subsection (1) above; and
  - (b) ends at the time (if any) when the Authority complies with the requirements mentioned in paragraphs (a) and (b) of subsection (1) above.
- (4) The following provisions of this section apply in relation to substitute calculations other than those made pursuant to section 95 above.
- (5) Subject to variation or revocation, a direction under section 95 above shall have effect in relation to any substitute calculations made under any enactment by the Authority—
  - (a) in accordance with sections 85, 86 and 88 to 90 above and Schedule 7 to this Act and sections 47 and 48 of the <sup>M86</sup>Local Government Finance Act 1992;
  - (b) in relation to the year to which the direction relates; and
  - (c) at any time after the giving of the direction.
- (6) Where a direction under section 95 above has effect in relation to any substitute calculations by virtue of subsection (5) above, none of the calculations shall have any effect if the amount calculated under section 85(6) above for the Metropolitan Police Authority is not in compliance with the direction.

#### Marginal Citations

**M85** 1992 c. 14.

**M86** 1992 c. 14.

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## 97 Emergencies and disasters.

(1) Where—

- (a) the Authority has made calculations in accordance with subsections (4) to (7) of section 85 above (whether originally or by way of substitute), and
- (b) the Mayor is of the opinion that, because of an emergency or disaster involving destruction of or danger to life or property, it is appropriate to recalculate any component budget requirements,

the Authority may make calculations in substitution in relation to the year in accordance with those subsections.

(2) None of the substitute calculations shall have any effect if they involve—

- (a) any change in the sums paid or to be paid to any of the functional bodies otherwise than out of the aggregate specified in subsection (2) of section 102 below; or
- (b) any change in the Authority's consolidated budget requirement for the year.

(3) Any substitute calculations under this section shall be made in accordance with Schedule 7 to this Act.

### Commencement Information

**I19** S. 97 wholly in force at 3.7.2000; s. 97 not in force at Royal Assent see s. 425(2); s. 97(1)(2) in force at 12.1.2000 by [S.I. 1999/3434](#), [art. 2](#) (subject to transitional provisions in [Sch. 1](#) Tables 1, 2); s. 97(3) in force at 3.7.2000 by [S.I. 1999/3434](#), [art. 4](#)

## 98 Procedure for making substitute calculations.

Schedule 7 to this Act (which contains procedural requirements for the making of substitute calculations by the Authority) shall have effect.

*Supplementary*

## 99 Interpretation of Chapter I.

In this Part—

component budget requirement has the meaning given in section 85(6) above;

consolidated budget requirement has the meaning given in section 85(8) above;

constituent body has the meaning given in section 85(3) above;

local government finance report means such a report under section 78A of the <sup>M87</sup>Local Government Finance Act 1988;

police grant has the meaning given by section 32(12) of the <sup>M88</sup>Local Government Finance Act 1992;

relevant special grant has the meaning given by section 32(12) of the <sup>M89</sup>Local Government Finance Act 1992.

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**Modifications etc. (not altering text)**

- C36** S. 99 modified (E.) (1.2.2002) by [S.I. 2002/155, reg. 9](#)
- C37** S. 99 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003 \(S.I. 2003/195\), regs. 1\(1\), 9](#)
- C38** S. 99 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2004 \(S.I. 2004/243\), regs. 1\(1\), 9](#)
- C39** S. 99 modified (E.) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005 \(S.I. 2005/190\), regs. 1\(1\), 9](#)

**Marginal Citations**

- M87** 1988 c. 41.  
**M88** 1992 c. 14.  
**M89** 1992 c. 14.

## CHAPTER II

### GRANTS AND REDISTRIBUTED NON-DOMESTIC RATES

#### *Grants*

#### **100 General GLA grant.**

- (1) For each financial year, the Secretary of State shall pay a grant (to be called general GLA grant) to the Authority.
- (2) The grant shall be paid for the purposes of the Authority and the functional bodies.
- (3) For each financial year the Secretary of State shall make a determination under this section.
- (4) A determination shall state the amount of the grant for the year.
- (5) Before making a determination, the Secretary of State shall consult the Mayor.
- (6) The grant shall be paid in such instalments or such amounts and at such times as the Secretary of State may, with the Treasury's consent, determine.

**Commencement Information**

- I20** [S. 100](#) wholly in force at 3.7.2000; [s. 100](#) not in force at Royal Assent see [s. 425\(2\)](#); [s. 100\(1\)-\(4\)\(6\)](#) in force at 12.1.2000 by [S.I. 1999/3434, art. 2](#); [s. 100\(5\)](#) in force at 3.7.2000 by [S.I. 1999/3434, art. 4](#)

#### **101 GLA transport grant.**

- (1) For each financial year, the Secretary of State shall pay a grant (to be called GLA transport grant) to the Authority.

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- (2) The grant shall be paid for the purposes of Transport for London.
- (3) For each financial year the Secretary of State, after consultation with the Mayor, shall make a determination stating the amount of the grant for the year.
- (4) The grant shall be paid in such instalments or such amounts and at such times as the Secretary of State may, with the Treasury's consent, determine.
- (5) The amount of the grant, or any terms relating to payment of the grant, may be varied from time to time by the Secretary of State after consultation with the Mayor.

#### Commencement Information

**I21** S. 101 wholly in force at 12.1.2000; s. 101 not in force at Royal Assent see s. 425(2); s. 101 in force at 12.1.2000 by S.I. 1999/3434, art. 2 (subject to transitional provisions in Sch. 1 Tables 1, 2)

#### *Distribution of grants etc.*

### **102 Mayor to distribute grants etc between Authority and functional bodies.**

- (1) For each financial year, it shall be the duty of the Authority to pay to each functional body, out of the aggregate specified in subsection (2) below, the amount required by the body out of that aggregate in accordance with the calculations (or last calculations) under section 85(4) to (7) of this Act.
- (2) The aggregate mentioned in subsection (1) above is the aggregate of the sums received by the Authority for the financial year in respect of—
  - (a) revenue support grant;
  - (b) additional grant;
  - (c) relevant special grant;
  - (d) general GLA grant;
  - (e) redistributed non-domestic rates;
  - (f) any precept issued by the Authority; and
  - (g) payments to the Authority by billing authorities in accordance with regulations under section 99(3) of the <sup>M90</sup>Local Government Finance Act 1988.
- (3) The payments required by subsection (1) above shall be made by instalments during the financial year in question.
- (4) The instalments to be paid under subsection (3) above to a functional body shall be payments of such amounts, and shall be payable at such times, as will enable the body to meet its budgeted expenditure for the year as it falls due.
- (5) It shall be the duty of the Authority to pay instalments under subsection (3) above punctually.
- (6) In the application of subsection (4) above in relation to a functional body, budgeted expenditure means expenditure which, in accordance with the calculations (or last calculations) made under section 85(4) to (7) above, the body is to meet out of payments by way of instalments under this section.

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- (7) If an overpayment is made to a functional body in respect of the sums payable to it by virtue of this section, the functional body shall, in accordance with any directions given to it for the purpose by the Mayor, make at such times and in such manner as may be specified in the directions such payments to the Authority by way of repayment as may be so specified.
- (8) In this section relevant special grant has the meaning given by section 32(12) of the <sup>M91</sup>Local Government Finance Act 1992.

#### Modifications etc. (not altering text)

**C40** S. 102 modified (E.) (1.2.2002) by [S.I. 2002/155, reg. 10](#)

**C41** S. 102 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003 \(S.I. 2003/195\)](#), regs. 1(1), **10**

**C42** S. 102 modified (E.) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2004 \(S.I. 2004/243\)](#), regs. 1(1), **10**

**C43** S. 102 modified (E.) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005 \(S.I. 2005/190\)](#), regs. 1(1), **10**

#### Commencement Information

**I22** S. 102 wholly in force at 3.7.2000; s. 102 not in force at Royal Assent see s. 425(2); s. 102(1)-(4)(6)-(8) in force at 12.1.2000 by [S.I. 1999/3434, art. 2](#) (subject to transitional provisions in Sch. 1 Table 1); s. 102(5) in force at 3.7.2000 by [S.I. 1999/3434, art. 4](#)

#### Marginal Citations

**M90** 1988 c. 41.

**M91** 1992 c. 14.

### 103 Authority's duty to account to functional bodies for their grants.

- (1) Where the Authority receives any grant or other payment made only for the purposes, or particular purposes, of a functional body, the Authority shall forthwith account for the grant or other payment to the functional body concerned and pay it over to that body.
- (2) Subsection (1) above does not apply in relation to any sum received in respect of an item which falls within any of the paragraphs of subsection (2) of section 102 above.

## CHAPTER III

### EMERGENCY FINANCIAL ASSISTANCE, FUNDS AND MISCELLANEOUS MATTERS

### 104 Emergency financial assistance.

- (1) Section 155 of the <sup>M92</sup>Local Government and Housing Act 1989 (emergency financial assistance to local authorities) shall be amended as follows.

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- (2) After subsection (1) (local authority incurring expenditure as result of emergency or disaster) there shall be inserted—

“(1A) Expenditure incurred as mentioned in subsection (1) above by—

- (a) the London Fire and Emergency Planning Authority,
- (b) the Metropolitan Police Authority, or
- (c) Transport for London, in respect of places or areas within Greater London,

shall be treated for the purposes of this section as expenditure so incurred by the Greater London Authority (and, accordingly, as so incurred by a local authority).

(1B) To the extent that any financial assistance given to the Greater London Authority under this section is referable to expenditure incurred by a body mentioned in paragraph (a), (b) or (c) of subsection (1A) above, the financial assistance shall be treated for the purposes of section 103 of the Greater London Authority Act 1999 as a payment made to the Greater London Authority for the purposes of that body.”

- (3) In subsection (4) (local authorities in England and Wales to which the section applies)

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

“(bb) the Greater London Authority;”;

[<sup>F32</sup>(b) at the end of paragraph (eb) there shall be inserted “ or ”; and]

(c) paragraph (f) (Receiver for the Metropolitan Police District) shall cease to have effect.

#### Textual Amendments

**F32** S. 104(3)(b) repealed (1.4.2002 for E.W. and otherwise *prosp.*) by 2001 c. 16, ss. 137, 138(2), **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provision in **art. 4**)

#### Marginal Citations

**M92** 1989 c. 42.

## 105 Component budgets: anticipation of certain levies.

- (1) Section 74 of the <sup>M93</sup>Local Government Finance Act 1988 (levies) shall be amended as follows.

- (2) In subsection (4) (which enables regulations to include provision permitting anticipation of levies under the section in the making of certain calculations) after paragraph (b) there shall be inserted—

“(bb) that the Greater London Authority in making calculations in accordance with sections 85 and 86 of the Greater London Authority Act 1999 (originally or by way of substitute) in the case of any constituent body (within the meaning of those sections), except the Metropolitan Police Authority (for which separate provision is made), may anticipate a levy;”.

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#### Commencement Information

**I23** S. 105 wholly in force at 12.1.2000; s. 105 not in force at Royal Assent see s. 425(2); s. 105 in force at 12.1.2000 by S.I. 1999/3434, art. 2 (subject to transitional provisions in Sch. 1 Table 1)

#### Marginal Citations

**M93** 1988 c. 41.

### 106 The Authority’s general fund.

- (1) Section 91 of the <sup>M94</sup>Local Government Finance Act 1988 (general funds) shall be amended as follows.
- (2) In subsection (1) (which specifies the relevant authorities) after paragraph (aa) there shall be inserted—
  - “(ab) the Greater London Authority,”.
- (3) In subsection (3) (general fund to be established on 1 April 1990, subject to subsection (3A)) for subsection (3A) there shall be substituted “ subsections (3A) and (3C) ”.
- (4) After subsection (3B) there shall be inserted—
  - “(3C) In the case of the Greater London Authority, the general fund must be established on a date specified in regulations.”
- (5) In section 143 of the <sup>M95</sup>Local Government Finance Act 1988 (regulations and orders) in subsection (5) (exceptions from Parliamentary procedure) after regulations under section 75 there shall be inserted “ , 91(3C) ”.

#### Marginal Citations

**M94** 1988 c. 41.

**M95** 1988 c. 41.

### 107 Judicial review.

- (1) Section 66 of the <sup>M96</sup>Local Government Finance Act 1992 (matters which are not to be questioned except on judicial review) shall be amended as follows.
- (2) In subsection (2) (which specifies the matters) after paragraph (c) there shall be inserted—
  - “(cc) a calculation made in accordance with any of sections 85 to 90 of the Greater London Authority Act 1999;
  - (cd) a substitute calculation made in accordance with any of sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act;”.

#### Marginal Citations

**M96** 1992 c. 14.

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## 108 Functions to be discharged only by certain authorities.

(1) Section 67 of the <sup>M97</sup>Local Government Finance Act 1992 (functions to be discharged only by the authority) shall be amended as follows.

[<sup>F33</sup>(2) In subsection (1) (functions to be discharged only by authority, subject to subsection (3)) for subsection (3) there shall be substituted “subsections (3) and (3A)”.]

(3) In subsection (2) (which specifies the functions) after paragraph (b) there shall be inserted—

“(bb) making a calculation in accordance with any of sections 85 to 90 of the Greater London Authority Act 1999;

(bc) making a substitute calculation in accordance with any of sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act;”.

(4) In subsection (3) (functions which may be exercised by a committee) at the beginning there shall be inserted “ Subject to subsection (3B) below, ”.

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

“(3A) In the case of the Greater London Authority, the functions mentioned in subsection (2) above shall be discharged on behalf of the Authority in accordance with the provisions of the Greater London Authority Act 1999 but only by the Mayor of London, the London Assembly or the Mayor and Assembly acting jointly.

(3B) Subsection (3) above does not apply in relation to the Greater London Authority, but where Schedule 6 to the Greater London Authority Act 1999 makes provision enabling a function to be discharged by a committee or other representatives of the London Assembly, the function may be discharged by such a committee or representatives in accordance with the provisions of that Schedule.”

### Textual Amendments

**F33** S. 108(2) repealed (18.11.2003 for E.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 3(i)(vii) (with art. 8, Sch.)

### Marginal Citations

**M97** 1992 c. 14.

## 109 Information.

(1) In section 168 of the <sup>M98</sup>Local Government Act 1972 (local financial returns) in subsection (5) (which defines local authority for the purposes of the section) the word and at the end of paragraph (b) shall be omitted and after paragraph (c) there shall be added “; and

(d) a functional body, within the meaning of the Greater London Authority Act 1999.”

(2) In section 139A of the <sup>M99</sup>Local Government Finance Act 1988 (information) in subsection (5) (which defines the relevant authorities) after paragraph (b) there shall be inserted—



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“(c) a functional body, within the meaning of the Greater London Authority Act 1999.”

- (3) Section 68 of the <sup>M100</sup>Local Government Finance Act 1992 (information required for purposes of Part I of that Act by Secretary of State from relevant authority or relevant officer) shall be amended as follows.
- (4) In subsection (1)(b), after this Part there shall be inserted “ or Part III of the Greater London Authority Act 1999 ”.
- (5) In subsection (3) (failure of authority or officer to comply) after this Part there shall be inserted “ or Part III of the Greater London Authority Act 1999 ”.
- (6) In subsection (5), in the definition of relevant authority after means there shall be inserted “ (a) ” and after precepting authority; there shall be inserted “or
  - (b) a functional body, within the meaning of the Greater London Authority Act 1999) (see section 424(1) of that Act);”.

**Marginal Citations**

- M98** 1972 c. 70.
- M99** 1988 c. 41.
- M100** 1992 c. 14.

**110 Provision of information by functional bodies to Mayor or Assembly.**

- (1) A functional body shall, at the request of the Mayor or the Assembly, provide the Authority with such information relating to the financial affairs of the body as may be specified or described in the request.
- (2) The information shall be provided in such form and manner, and within such time, as may be specified in the request.
- (3) The information that may be requested under subsection (1) above is such information as may be required for the purpose of any functions exercisable by the Mayor or the Assembly.
- (4) The information that may be requested under subsection (1) above from a functional body includes—
  - (a) information which the body has or can reasonably obtain; and
  - (b) information about the body’s plans or proposals relating to the finances or expenditure of the body or of any company in which the body has an interest.

**CHAPTER IV**

**REVENUE ACCOUNTS AND CAPITAL FINANCE**

*Application of Part IV of Local Government and Housing Act 1989*

**F34 111 Part IV of 1989 Act to apply to Authority and functional bodies.**

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**Textual Amendments**

**F34** S. 111 repealed (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 6(e)(ii) (with art. 8, Sch.)

*Credit approvals*

**F35 112 Provisions to be in place of sections 53 to 55 of 1989 Act.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), **Sch. 7 para. 71**, **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

**F35 113 Aggregate credit approval for Authority and functional bodies.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), **Sch. 7 para. 71**, **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

**F35 114 Additional credit approval.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), **Sch. 7 para. 71**, **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

**F35 115 Notification of category C or D allocations.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), **Sch. 7 para. 71**, **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

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**F35 116 Amortisation.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), [Sch. 7 para. 71](#), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

**F35 117 Criteria for issuing credit approvals.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), [Sch. 7 para. 71](#), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

**F35 118 Part IV of 1989 Act and credit approvals under this Chapter.**

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**Textual Amendments**

**F35** Ss. 112-118 repealed (1.1.2004 for the repeal of ss. 113, 115(2), 1.4.2004 in so far as not already in force) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), [Sch. 7 para. 71](#), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 4(d)(e)(ii) (with art. 8, Sch.); S.I. 2003/2938, art. 6(d)(ii)(e)(ii) (with art. 8, Sch.)

*Capital receipts and mutual grants*

**119 Power to redistribute capital receipts of functional bodies.**

- (1) The Secretary of State may make regulations for and in connection with conferring on the Mayor power to direct any functional body to pay to the Authority such percentage as may be specified in the direction of so much of <sup>F36</sup>... the body's capital receipts as may be so specified.
- (2) The power conferred on the Mayor must be exercisable only for the purpose of enabling the amount paid under such a direction (the relevant amount) to be applied towards meeting [<sup>F37</sup> capital expenditure ] of another functional body or of the Authority (the assisted body).
- (3) The provision that may be made by regulations under subsection (1) above includes provision—
  - (a) with respect to the percentage or maximum percentage that may be specified in a direction;
  - (b) with respect to the portion of <sup>F38</sup>... a functional body's capital receipts in respect of which a direction may be issued;

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- (c) requiring a direction to be complied with before the expiration of a prescribed period;
- (d) requiring the Mayor, within such time or in such manner as may be prescribed, to notify the functional bodies of decisions taken with respect to the exercise of powers conferred by the regulations;
- (e) for and in connection with enabling the Mayor to permit the relevant amount to be applied towards meeting [<sup>F39</sup> capital expenditure ] of the assisted body generally or to require it to be applied towards meeting only such expenditure of a particular description;
- [<sup>F40</sup>(f) for and in connection with treating the whole or a prescribed part of the relevant amount as added to the capital receipts of the assisted body, for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);]
- (g) for and in connection with requiring an assisted body to apply the relevant amount only for the purposes for which it was paid to the body.

(4) In this section prescribed means prescribed by regulations.

#### Textual Amendments

- F36** Words in s. 119(1) repealed (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 6(e)(ii) (with art. 8, Sch.)
- F37** Words in s. 119(2) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 72\(2\)](#); [S.I. 2003/2938](#), art. 6(d)(i) (with art. 8, Sch.)
- F38** Words in s. 119(3)(b) repealed (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 6(e)(ii) (with art. 8, Sch.)
- F39** Words in s. 119(3)(e) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 72\(3\)\(a\)](#); [S.I. 2003/2938](#), art. 6(d)(i) (with art. 8, Sch.)
- F40** S. 119(3)(f) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 72\(3\)\(b\)](#); [S.I. 2003/2938](#), art. 6(d)(i) (with art. 8, Sch.)

#### Commencement Information

- I24** S.119 wholly in force at 3.7.2000: s.119 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 119 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

## 120 Capital grants between Authority and functional bodies.

- (1) The Authority may pay grants towards meeting [<sup>F41</sup>capital expenditure] incurred or to be incurred by a functional body for the purposes of, or in connection with, the discharge of the functions of that body.
- (2) A functional body may, with the consent of the Mayor, pay a grant towards meeting [<sup>F41</sup>capital expenditure] incurred or to be incurred by another functional body, or by the Authority, for the purposes of, or in connection with, the discharge of the functions of the body to which the grant is made.
- (3) A grant under this section must not be made subject to any limitation in respect of the [<sup>F41</sup>capital expenditure] which it may be applied towards meeting.

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- (4) A grant under this section must be applied by the recipient body solely towards meeting [<sup>F41</sup>capital expenditure] incurred or to be incurred by that body for the purposes of, or in connection with, the discharge of its functions.

#### Textual Amendments

- F41** Words in s. 120 substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 73](#); [S.I. 2003/2938](#), art. 6(d)(i) (with art. 8, Sch.)

### 121 Revenue grants between Authority and functional bodies.

- (1) The Authority may pay grants towards meeting expenditure, other than [<sup>F42</sup>capital expenditure], incurred or to be incurred by a functional body for the purposes of, or in connection with, the discharge of the functions of that body.
- (2) A functional body may, with the consent of the Mayor, pay a grant towards meeting expenditure, other than [<sup>F42</sup>capital expenditure], incurred or to be incurred by another functional body, or by the Authority, for the purposes of, or in connection with, the discharge of the functions of the body to which the grant is made.
- (3) A grant under this section must not be made subject to any limitation in respect of the expenditure which it may be applied towards meeting (other than that the expenditure must not be [<sup>F42</sup>capital expenditure]).
- (4) A grant under this section must be applied by the recipient body solely towards meeting expenditure incurred or to be incurred by that body for the purposes of, or in connection with, the discharge of its functions, other than [<sup>F42</sup>capital expenditure].

#### Textual Amendments

- F42** Words in s. 121 substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 74](#); [S.I. 2003/2938](#), art. 6(d)(i) (with art. 8, Sch.)

#### *The Mayor's capital spending plan*

### 122 Form and contents.

- (1) The Mayor shall, in accordance with the following provisions of this section and sections 123 and 124 below, prepare for each financial year a capital spending plan for the functional bodies.
- (2) A capital spending plan shall consist of the sections described in subsections (3) to (6) below.
- (3) Section A of a capital spending plan shall consist of a statement for each functional body of the Mayor's estimates of the following amounts—
- the total amount of capital grants likely to be paid to the body during the year by any person other than the Authority;
  - the amount, at the beginning of the year, of <sup>F43</sup>... the body's capital receipts;
- and

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- (c) the amount by which the [<sup>F44</sup>body's capital receipts are] likely to be increased by capital receipts which it appears to the Mayor the functional body might reasonably be expected to receive, or is likely to receive, during the year.
- (4) Section B of a capital spending plan shall consist of a statement for each functional body of the following amounts—
- (a) if the Mayor has decided a minimum amount of grant which the Authority is to pay to the body for the year under section 120(1) above, that minimum amount;
- [<sup>F45</sup>(b) the total of the amounts which the Mayor expects the body—
- (i) to borrow in the year, or
- (ii) to be treated as borrowing in the year because of section 8(2) of the Local Government Act 2003 (under which entry into, or variation of, a credit arrangement is treated as a form of borrowing).]
- (5) Section C of a capital spending plan shall consist of a statement for each functional body of the total of the following amounts—
- (a) the total amount of [<sup>F46</sup>capital expenditure] which the Mayor expects the body to incur during the year; and
- [<sup>F47</sup>(b) the total of the amounts which the Mayor expects the body to be treated as borrowing in the year because of section 8(2) of the Local Government Act 2003;]
- and in this section the total of those amounts is referred to as the body's total capital spending for the year.
- (6) Section D of a capital spending plan shall consist of an analysis of each functional body's total capital spending for the year showing—
- (a) the amount which the Mayor expects the body to meet out of capital grants;
- (b) the amount which he expects the body to meet out of <sup>F48</sup>... its capital receipts;
- [<sup>F49</sup>(c) the amount which he expects the body to meet by borrowing or entering into or varying credit arrangements;]
- (d) the amount which he expects the body to meet by making a charge to a revenue account.

#### Textual Amendments

- F43** Words in s. 122(3)(b) repealed (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(6\), Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 4(e) (with art. 8, Sch.)
- F44** Words in s. 122(3)(c) substituted (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 75\(2\)](#); S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F45** S. 122(4)(b) substituted for s. 122(4)(b)-(d) (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 75\(3\)](#); S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F46** Words in s. 122(5)(a) substituted (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 75\(4\)\(a\)](#); S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F47** S. 122(5)(b) substituted (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 75\(4\)\(b\)](#); S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F48** Words in s. 122(6)(b) repealed (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(6\), Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 4(e) (with art. 8, Sch.)
- F49** S. 122(6)(c) substituted (1.1.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 75\(5\)](#); S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)

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#### Commencement Information

**I25** S. 122 partly in force; s. 122 not in force at Royal Assent, see s. 425(2); s. 122 in force for specified purposes (3.7.2000) by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

### 123 Preparation.

[<sup>F50</sup>(1) For each financial year, the Mayor shall prepare a draft of the capital spending plan for the year.]

- (2) Before 15th January in the financial year preceding that to which the capital spending plan relates, the Mayor shall—
  - (a) send a copy of the draft to the Assembly and to each functional body; and
  - (b) invite them to submit their comments on the draft to him in writing within 21 days.
- (3) Before finally determining the contents of the capital spending plan, the Mayor shall consider any comments submitted in accordance with the invitation under subsection (2)(b) above and make such revisions of the draft as he thinks fit, having regard to those comments.
- (4) Before 28th February in the financial year preceding that to which the capital spending plan relates, the Mayor shall—
  - (a) send the plan to the Secretary of State; and
  - (b) send a copy of the plan to the Assembly and to each functional body.
- (5) A copy of the capital spending plan 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.
- (6) A copy of the capital spending plan, or any part of it, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (7) In this section the appropriate period in the case of a capital spending plan is the period of six years beginning with the date of publication of that plan pursuant to this section.

#### Textual Amendments

**F50** S. 123(1) substituted (1.1.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 76](#); [S.I. 2003/2938](#), [art. 4\(d\)\(i\)](#) (with [art. 8](#), [Sch.](#))

#### Commencement Information

**I26** S. 123 partly in force; s. 123 not in force at Royal Assent, see s. 425(2); s. 123 in force for specified purposes (3.7.2000) by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

### *Supplementary provisions*

### 124 Admissible factors in preparing capital spending plan etc.

- (1) In preparing a capital spending plan for any financial year, the Mayor may take account of such factors as appear to him to be appropriate.

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- (2) The reference in subsection (1) above to preparing a capital spending plan for a financial year includes a reference to deciding, in the case of each of the functional bodies,—
- (a) the minimum amount of grant which the Authority is to pay to the body for the year under section 120 above; and
  - [<sup>F51</sup>(b) the amounts to be transferred to the body under section 32(5) of the Local Government Act 2003 (Mayor’s power to transfer expenditure grant);]
- (3) Without prejudice to the generality of subsection (1) above, the Mayor may in particular take account of—
- (a) the capital spending plans for such financial years which have ended as he may determine; and
  - (b) the amounts of each functional body’s total capital spending specified in section C of each of those plans which have been met as described in each of the paragraphs of subsection (4) below.
- (4) Those amounts are—
- (a) the amount met out of capital grants made to the body;
  - [<sup>F52</sup>(b) the amount met out of <sup>F53</sup>... the body’s capital receipts;
  - [<sup>F54</sup>(c) the amount met by borrowing or entering into or varying credit arrangements;]
  - (d) the amount met by making a charge to a revenue account.]

#### Textual Amendments

- F51** S. 124(2)(b) substituted (1.1.2004) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 77(2)**; S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F52** S. 124(4)(aa) inserted (1.1.2004) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 77(3)(a)**; S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)
- F53** Words in s. 124(4)(b) repealed (1.1.2004) by Local Government Act 2003 (c. 26), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 4(e) (with art. 8, Sch.)
- F54** S. 124(4)(c) substituted (1.1.2004) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 77(3)(b)**; S.I. 2003/2938, art. 4(d)(i) (with art. 8, Sch.)

#### Commencement Information

- I27** S. 124 partly in force; s. 124 not in force at Royal Assent, see s. 425(2); s. 124 in force for specified purposes (3.7.2000) by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## 125 Information.

- (1) The Mayor may serve on a functional body a notice requiring the body to supply to him such information as is specified in the notice and required by him for the purpose of deciding whether to exercise his powers, and how to perform his functions, under this Chapter.
- (2) If the information specified in a notice under this section is in the possession or under the control of the functional body on which the notice is served, the body shall supply the information required in such form and manner, and at such time, as is specified in the notice and, if the notice so requires, the information shall be certified (according as is specified in the notice) in one or both of the following ways—
  - (a) by the chief finance officer of the body, within the meaning of section 127 below, or by such other person as may be specified in the notice; and



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- (b) under arrangements made by the Audit Commission for Local Authorities and the National Health Service in England and Wales.
- (3) If a functional body fails to comply with subsection (2) above, the Mayor may decide—
- (a) whether to exercise his powers, and how to perform his functions, under this Chapter, or
  - (b) whether the body has acted, or is likely to act, in accordance with this Chapter, on the basis of such assumptions and estimates as he thinks fit.
- (4) In deciding—
- (a) whether to exercise his powers, and how to perform his functions, under this Chapter, or
  - (b) whether a functional body has acted, or is likely to act, in accordance with this Chapter,
- the Mayor may also take into account any other information available to him, whatever its source and whether or not obtained under a provision contained in or made under this or any other enactment.

## 126 Interpretation of Chapter IV.

[<sup>F55</sup>(1) In this Chapter—

“capital expenditure” and “capital receipt” have the same meaning as in Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);  
“capital spending plan” means a capital spending plan under section 122 above.]

- (2) References in this Chapter to credit arrangements, or to entering into credit arrangements, shall be construed in accordance with [<sup>F56</sup>Chapter 1 of Part 1 of the Local Government Act 2003 (see section 7] of that Act).

### Textual Amendments

**F55** S. 126(1) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 78\(2\)](#); S.I. 2003/2938, art. 6(d)(i) (with art. 8, Sch.)

**F56** Words in s. 126(2) substituted (1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 78\(3\)](#); S.I. 2003/2938, art. 6(d)(i) (with art. 8, Sch.)

## CHAPTER V

### FINANCIAL ADMINISTRATION, ACCOUNTS AND AUDIT

#### *Financial administration*

## 127 Proper financial administration and chief finance officer.

- (1) In this section relevant authority means—
- (a) the Authority; or
  - (b) a functional body.

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- (2) Every relevant authority—
- (a) shall make arrangements for the proper administration of its financial affairs; and
  - (b) shall secure that one of its officers (its chief finance officer) has responsibility for the administration of those affairs.
- (3) No person may be the chief finance officer of two or more relevant authorities at the same time.
- (4) In subsection (2)(b) above, the reference to officers includes a reference to employees or members of staff and, in the case of Transport for London and the London Development Agency, includes a reference to members of the relevant authority.
- (5) The chief finance officer of the Authority must be a member of staff appointed under section 67(2) above.
- (6) The function of appointing the Authority’s chief finance officer under subsection (2)(b) above shall be a function of the Authority which is exercisable on behalf of the Authority by the Assembly after consultation with the Mayor.
- (7) If the Mayor is a member of Transport for London, he must not be its chief finance officer.
- (8) In section 2 of the <sup>M101</sup>Local Government and Housing Act 1989 (politically restricted posts) in subsection (6)(d) (the effect of which is that the chief finance officer appointed under certain provisions is included among the chief statutory officers for the purposes of that section) after section 112 of the <sup>M102</sup>Local Government Finance Act 1988 there shall be inserted “ , section 127(2) of the Greater London Authority Act 1999 ”.

**Modifications etc. (not altering text)**

**C44** S. 127(2) applied (10.5.2000) by [S.I. 2000/1095](#), [art. 6\(5\)\(c\)](#)

**Commencement Information**

**I28** S. 127 wholly in force at 3.7.2000; s. 127 not in force at Royal Assent see s. 425(2); s. 127 in force for specified purposes at 8.5.2000 by [S.I. 1999/3434](#), [art. 3](#); s. 127 in force at 3.7.2000 insofar as not already in force by [S.I. 1999/3434](#), [art. 4](#)

**Marginal Citations**

**M101** 1989 c. 42.

**M102** 1988 c. 41.

**128 Application of Part VIII of Local Government Finance Act 1988.**

- (1) Section 111 of the <sup>M103</sup>Local Government Finance Act 1988 (interpretation of Part VIII (financial administration)) shall be amended as follows.
- (2) In subsection (2) (which specifies the bodies which are relevant authorities for the purposes of Part VIII) after paragraph (b) there shall be inserted—
- “(bb) the Greater London Authority;
  - (bc) a functional body, within the meaning of the 1999 Act;
  - (bd) the London Pensions Fund Authority;”.

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- (3) In subsection (3) (meaning of 1972 Act etc) at the end there shall be added and the 1999 Act is the Greater London Authority Act 1999.

**Commencement Information**

**I29** S. 128 wholly in force at 3.7.2000; s. 128 not in force at Royal Assent see s. 425(2); s. 128 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 128 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

**Marginal Citations**

**M103** 1988 c. 41.

**129 Qualifications of chief finance officer.**

In section 113(1) of the <sup>M104</sup>Local Government Finance Act 1988 (requirements to be fulfilled by person having responsibility for administration of financial affairs under certain provisions) after section 73 of the 1985 Act there shall be inserted “ , section 127 of the 1999 Act ”.

**Commencement Information**

**I30** S. 129 wholly in force at 3.7.2000; s. 129 not in force at Royal Assent see s. 425(2); s. 129 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 129 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

**Marginal Citations**

**M104** 1988 c. 41.

**130 Functions of chief finance officer as regards reports.**

- (1) Section 114 of the <sup>M105</sup>Local Government Finance Act 1988 (functions of responsible officer as regards reports) shall be amended as follows.

- (2) In subsection (1) (person having responsibility for administration of financial affairs under certain provisions to have functions as regards reports) after section 73 of the 1985 Act there shall be inserted “ , section 127 of the 1999 Act ”.

- (3) After subsection (3A) (preparation of report: duty to consult head of paid service and monitoring officer) there shall be inserted—

“(3B) Subsection (3A) above shall have effect in relation to the London Development Agency with the substitution for paragraphs (a) and (b) of the words with the person who is for the time being appointed under paragraph 4(2) of Schedule 2 to the <sup>M106</sup>Regional Development Agencies Act 1998 as the chief executive of the London Development Agency.

(3C) Subsection (3A) above shall have effect in relation to Transport for London with the substitution for paragraphs (a) and (b) of the words with the person who is for the time being designated for the purpose under subsection (3D) below.

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(3D) Transport for London shall designate a member of Transport for London, or a member of the staff of Transport for London, as the person who is to be consulted under subsection (3A) above.”

(4) After subsection (4) (duty to send copy of report to each member of the authority etc) there shall be inserted—

“(4A) The duty under subsection (4)(b) above—

- (a) in a case where the relevant authority is the Greater London Authority, is to send a copy of the report to the Mayor of London and to each member of the London Assembly; and
- (b) in a case where the relevant authority is a functional body, within the meaning of the 1999 Act, includes a duty to send a copy of the report to the Mayor of London and to the Chair of the Assembly, within the meaning of that Act.”

#### Commencement Information

**I31** S. 130 wholly in force at 3.7.2000; s. 130 not in force at Royal Assent see s. 425(2); s. 130 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 130 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

#### Marginal Citations

**M105** 1988 c. 41.  
**M106** 1998 c. 45.

### 131 Duties of Authority or functional body as regards reports.

(1) Section 115 of the <sup>M107</sup>Local Government Finance Act 1988 (authority’s duties as regards reports) shall be amended as follows.

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

“(1A) Where the report under section 114 above is a report by the chief finance officer of the Greater London Authority, section 115A below shall have effect in place of subsections (2) and (3) below.”

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

“(3A) In the case of the London Development Agency or Transport for London, Part VA of the 1972 Act (access to meetings etc) shall have effect in relation to the meeting as if that authority were a principal council.”

(4) After subsection (4) (which prevents delegation under section 101(2) of the <sup>M108</sup>Local Government Act 1972) there shall be inserted—

“(4A) In the case of the London Development Agency or Transport for London, neither—

- (a) paragraph 7 of Schedule 2 to the <sup>M109</sup>Regional Development Agencies Act 1998 (delegation by London Development Agency etc), nor
- (b) paragraph 7 of Schedule 10 to the 1999 Act (delegation by Transport for London),

shall apply to the duty under subsection (2) above.”

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(5) After subsection (9) (the prohibition period) there shall be inserted—

“(9A) In the application of this section where the report under section 114 above is a report by the chief finance officer of the Greater London Authority, subsection (9) above shall have effect with the substitution for paragraph (b) of—

“( ) ending with the first business day to fall after the day (if any) on which the Mayor makes the decisions under section 115A(6) below ”.”

(6) In subsection (10) (immaterial for subsection (9)(b) that subsection (3) is not complied with) after subsection (3) above there shall be inserted “ , or, where section 115A below applies, subsection (4) or (8) of that section, ”.

(7) In subsection (11) (nature of decisions at meeting immaterial for subsection (9)(b)) after decisions made at the meeting there shall be inserted “ , or, where section 115A below applies, by the Mayor under subsection (6) of that section, ”.

(8) After subsection (12) there shall be added—

“(13) In the application of this section in relation to the Greater London Authority, the references to the authority in subsections (5) to (12) above shall be taken as references to the Greater London Authority whether acting by the Mayor, the Assembly or the Mayor and Assembly acting jointly.

(14) In this section—

the Assembly means the London Assembly;  
the Mayor means the Mayor of London.”

(9) After section 115 of the <sup>M110</sup>Local Government Finance Act 1988 there shall be inserted—

**“115A Duties of Mayor of London and London Assembly as regards reports.**

(1) This section applies where copies of a report under section 114 above by the chief finance officer of the Greater London Authority have been sent under section 114(4) above.

(2) The Mayor shall consider the report preparatory to making the decisions under subsection (6) below.

(3) The Assembly shall consider the report at a meeting where it shall decide—  
(a) whether it agrees or disagrees with the views contained in the report;  
and  
(b) what action (if any) it recommends that the Mayor should take in consequence of it.

(4) The meeting must be held not later than the end of the period of 21 days beginning with the day on which the copies of the report are sent.

(5) The Mayor must attend the meeting.

(6) After the meeting, the Mayor shall decide—

(a) whether he agrees or disagrees with the views contained in the report;  
and

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- (b) what action (if any) he proposes to take in consequence of it.
- (7) In making any decision under subsection (6) above, the Mayor shall take account of any views or recommendations of the Assembly at the meeting.
- (8) The Mayor must make the decisions under subsection (6) above before the end of the period of 14 days beginning with the day on which the meeting of the Assembly concludes.
- (9) Any functions of the Mayor under this section must be exercised by the Mayor personally.
- (10) Section 54 of the 1999 Act (discharge of Assembly functions by committees etc) shall not apply in relation to any function of the Assembly under this section.
- (11) In this section—  
the Assembly means the London Assembly;  
the Mayor means the Mayor of London.”

#### Commencement Information

**I32** S. 131 wholly in force at 3.7.2000; s. 131 not in force at Royal Assent see s. 425(2); s. 131 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 131 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

#### Marginal Citations

**M107** 1988 c. 41.  
**M108** 1972 c. 70.  
**M109** 1998 c. 45.  
**M110** 1988 c. 41.

### 132 Monitoring officer not to be chief finance officer etc.

- (1) Section 5 of the <sup>M111</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer) shall be amended as follows.
- (2) In subsection (8) (interpretation) in the <sup>M112</sup>definition of chief finance officer after Local Government Finance Act 1988 there shall be inserted “, section 127(2) of the Greater London Authority Act 1999 ”.

#### Commencement Information

**I33** S. 132 wholly in force at 3.7.2000; s. 132 not in force at Royal Assent see s. 425(2); s. 132 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 132 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

#### Marginal Citations

**M111** 1989 c. 42.  
**M112** 1988 c. 41.

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### Accounts and audit

#### 133 Application of the Audit Commission Act 1998.

- (1) In Schedule 2 to the <sup>M113</sup>Audit Commission Act 1998 (accounts subject to audit) in paragraph 1 (bodies to whose accounts section 2 applies) after paragraph (b) there shall be inserted—
  - “(bb) the Greater London Authority;
  - (bc) a functional body;
  - (bd) the London Pensions Fund Authority;”.
- (2) Schedule 8 to this Act (which makes further amendments of the <sup>M114</sup>Audit Commission Act 1998) shall have effect.

#### Commencement Information

**I34** S. 133 wholly in force at 3.7.2000; s. 133 not in force at Royal Assent see s. 425(2); s. 133 in force for specified purposes at 8.5.2000 by S.I. 1999/3434, art. 3; s. 133 in force at 3.7.2000 insofar as not already in force by S.I. 1999/3434, art. 4

#### Marginal Citations

**M113** 1998 c. 18.

**M114** 1998 c. 18.

#### 134 Summary statement of accounts of Authority and other bodies.

- (1) For each financial year the Authority shall prepare a summary statement of accounts.
- (2) The summary statement of accounts shall be in respect of the Authority, the functional bodies and the London Pensions Fund Authority.
- (3) Subsection (1) above is without prejudice to any other duty of the Authority, a functional body or the London Pensions Fund Authority to prepare accounts or statements of accounts.
- (4) Section 14 of the <sup>M115</sup>Audit Commission Act 1998 (inspection of statements of accounts and auditors' reports) shall apply in relation to a summary statement of accounts required to be prepared under this section as it applies in relation to a statement of accounts prepared by the Authority under regulations under section 27 of that Act.
- (5) Sections 15 to 24 of the <sup>M116</sup>Audit Commission Act 1998 (public inspection etc and action by the auditor, and prevention of unlawful expenditure) shall not apply in relation to a summary statement of accounts required to be prepared under this section.
- (6) Section 27 of the <sup>M117</sup>Audit Commission Act 1998 (accounts and audit regulations) shall apply in relation to a summary statement of accounts required to be prepared under this section as it applies in relation to accounts or statements of accounts.

#### Marginal Citations

**M115** 1998 c. 18.

**M116** 1998 c. 18.

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M117 1998 c. 18.

### 135 Information for purposes of section 134.

- (1) A body to which this section applies shall, at the request of the Mayor, provide the Authority with such information relating to any accounts or statement of accounts of the body as may be specified or described in the request.
- (2) The bodies to which this section applies are—
  - (a) each of the functional bodies; and
  - (b) the London Pensions Fund Authority.
- (3) The information shall be provided in such form and manner, and within such time, as may be specified in the request.
- (4) The information that may be requested under subsection (1) above is such information as may be required for the purpose of discharging the functions of the Authority under or by virtue of section 134 above.

## CHAPTER VI

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

### 136 Amendment of cross-references to provisions of Chapter I.

<sup>F57</sup>(1) .....

- (2) Schedule 9 to this Act (which contains amendments to the <sup>M118</sup>Local Government Finance Act 1992 correcting references to provisions of this Act which have since been renumbered) shall have effect.

#### Textual Amendments

**F57** S. 136(1) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(2)(f)(viii), **Sch. 8 Pt. 1**

#### Commencement Information

**I35** S. 136 wholly in force at 3.7.2000; s. 136 not in force at Royal Assent see s. 425(2); s. 136(1) in force at 12.1.2000 by [S.I. 1999/3434](#), **art. 2**; s. 136(2) in force at 3.7.2000 by [S.I. 1999/3434](#), **art. 4**

#### Marginal Citations

**M118** 1992 c. 14.

### 137 Council tax: no Crown exemption for Authority or functional bodies.

- (1) Section 19 of the <sup>M119</sup>Local Government Finance Act 1992 (exclusion from Crown exemption in certain cases) shall be amended as follows.
- (2) In subsection (3) (which specifies the excluded bodies) after paragraph (b) there shall be inserted—
  - “(bb) the Greater London Authority;



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- (bc) any functional body, within the meaning of the Greater London Authority Act 1999”.

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**Marginal Citations**

M119 1992 c. 14.

**138 No discretionary rate relief for functional bodies.**

- (1) Section 47 of the <sup>M120</sup>Local Government Finance Act 1988 (discretionary relief) shall be amended as follows.
- (2) In subsection (9) (which provides that a hereditament is an excepted hereditament, and accordingly not eligible for relief, if all or part of it is occupied by any body there mentioned) at the end of paragraph (b) (which relates to precepting authorities) there shall be added “; or
- (c) a functional body, within the meaning of the Greater London Authority Act 1999”.

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**Marginal Citations**

M120 1988 c. 41.

**139 Local loans.**

- (1) In Schedule 4 to the <sup>M121</sup>National Loans Act 1968 (which specifies the bodies to which local loans may be made) in paragraph 1, in paragraph (a) of the definition of local authority, the word and immediately preceding sub-paragraph (iii) shall be omitted and after that sub-paragraph there shall be added “; and
- (iv) a functional body, within the meaning of the Greater London Authority Act 1999”.
- (2) In section 2 of the <sup>M122</sup>Public Works Loans Act 1965 (new form of local loan and automatic charge for securing it) in subsection (1) (which includes a definition of relevant authority) in paragraph (a), the word and immediately preceding sub-paragraph (iii) shall be omitted and after that sub-paragraph there shall be added “; and
- (iv) a functional body, within the meaning of the Greater London Authority Act 1999”.

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**Marginal Citations**

M121 1968 c. 13.

M122 1965 c. 63.

**140 Functions of Mayor or Assembly under or by virtue of this Part.**

- (1) The functions conferred or imposed on the Authority under or by virtue of this Part shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

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- (2) Subsection (1) above does not apply in relation to any function expressly conferred or imposed on the Assembly.

## PART IV

### TRANSPORT

#### CHAPTER I

##### TRANSPORT FUNCTIONS OF THE AUTHORITY

###### *The general transport duty*

#### **141 General transport duty.**

- (1) The Mayor shall develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London.
- (2) The powers of the Authority under this Part shall be exercised for the purpose of securing the provision of the transport facilities and services mentioned in subsection (1) above.
- (3) The transport facilities and services mentioned in subsection (1) above include facilities and services for pedestrians and are—
  - (a) those required to meet the needs of persons living or working in, or visiting, Greater London, and
  - (b) those required for the transportation of freight.

###### *The transport strategy*

#### **142 The Mayor's transport strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the transport strategy containing—
  - (a) his policies under section 141(1) above, and
  - (b) his proposals for discharging the duty under section 141(2) above.
- (2) In addition to containing the proposals and policies required by subsection (1) above, the transport strategy—
  - (a) shall contain the Mayor's proposals for the provision of transport which is accessible to persons with mobility problems,
  - (b) shall specify a timetable for the implementation of the proposals contained in the transport strategy by virtue of paragraph (a) above, and
  - (c) may contain any other proposals which he considers appropriate.
- (3) Where the Mayor revises the transport strategy he shall publish it as revised.
- (4) In preparing or revising the transport strategy the Mayor shall consult—

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- (a) the Disabled Persons Transport Advisory Committee, and
  - (b) such other persons or bodies which represent the interests of persons with mobility problems as he considers it appropriate to consult;
- and this subsection is without prejudice to section 42 above.

(5) In this Act, references to the transport strategy include, except where the context otherwise requires, a reference to the transport strategy as revised.

#### **143 Directions by the Secretary of State.**

- (1) Where the Secretary of State considers that—
- (a) the transport strategy (or any part of it) is inconsistent with national policies relating to transport, and
  - (b) the inconsistency is detrimental to any area outside Greater London,
- he may direct the Mayor to make such revisions of the transport strategy in order to remove the inconsistency as may be specified in the direction.
- (2) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall revise the transport strategy in accordance with the direction.

#### **144 Duties of London borough councils etc.**

- (1) In exercising any function—
- (a) a London borough council,
  - (b) the Common Council, and
  - (c) any body or person exercising statutory functions in relation to Greater London or any part of Greater London,
- is to have regard to the transport strategy.
- (2) The Mayor may issue guidance in writing about the implementation of the transport strategy to any council, body or person falling within subsection (1) above.
- (3) A council, body or person to whom guidance has been issued under subsection (2) above is to have regard to the guidance in exercising any function.
- (4) In exercising any functions in relation to the management of roads or traffic in a Royal Park in Greater London the Secretary of State shall have regard to the transport strategy.
- (5) In this section Royal Park means any park to which the <sup>M123</sup>Parks Regulation Act 1872 applies (see sections 1 and 3 of the <sup>M124</sup>Parks Regulation (Amendment) Act 1926).

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#### **Marginal Citations**

**M123** 1872 c. 15.

**M124** 1926 c. 36.

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### *Local implementation plans*

#### **145 Preparation of the plan.**

- (1) As soon as reasonably practicable after the Mayor has published the transport strategy under section 142 above, each London borough council shall prepare a plan (a local implementation plan) containing its proposals for the implementation of the transport strategy in its area.
- (2) In preparing a local implementation plan under subsection (1) above, each London borough council shall consult—
  - (a) the relevant Commissioner or, if the council considers it appropriate, both Commissioners,
  - (b) Transport for London,
  - (c) such organisations representative of disabled persons as the council considers appropriate,
  - (d) each other London borough council whose area is, in the opinion of the council preparing the local implementation plan, likely to be affected by the plan, and
  - (e) any other body or person required to be consulted under this section by virtue of a direction given to the council by the Mayor under section 153 below.
- (3) Each local implementation plan shall include—
  - (a) a timetable for implementing the different proposals in the plan, and
  - (b) the date by which all the proposals contained in the plan will be implemented.
- (4) For the purposes of this section and sections 146 to 153 below, the Common Council shall be treated as if it were a London borough council.
- (5) In subsection (2)(a) above, the relevant Commissioner means—
  - (a) in relation to a local implementation plan prepared by the Common Council, the Commissioner of Police for the City of London, and
  - (b) in relation to a local implementation plan prepared by a council other than the Common Council, the Commissioner of Police of the Metropolis.

#### **146 Approval of plans by the Mayor.**

- (1) Each London borough council shall submit its local implementation plan to the Mayor for his approval.
- (2) The Mayor may approve any local implementation plan submitted to him under subsection (1) above.
- (3) The Mayor shall not approve a local implementation plan submitted to him under subsection (1) above unless he considers—
  - (a) that the local implementation plan is consistent with the transport strategy,
  - (b) that the proposals contained in the local implementation plan are adequate for the purposes of the implementation of the transport strategy, and
  - (c) that the timetable for implementing those proposals, and the date by which those proposals are to be implemented, are adequate for those purposes.

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## **147 Power of the Mayor to prepare a plan.**

- (1) Where it appears to the Mayor that a London borough council has failed—
  - (a) to prepare a local implementation plan in accordance with the requirements of section 145 above, or
  - (b) to submit a local implementation plan to him for approval under section 146 above,the Mayor may issue to the council a direction under section 153 below requiring the council to do so within such period as the Mayor shall specify in the direction.
- (2) Where the Mayor has issued a direction of the kind mentioned in subsection (1) above, but the council has not complied with the direction within a reasonable time, the Mayor may prepare a local implementation plan on behalf of the council.
- (3) Where the Mayor refuses to approve under subsection (2) of section 146 above a local implementation plan, the London borough council which submitted the plan shall prepare a new local implementation plan and submit it to the Mayor under subsection (1) of that section, unless the Mayor notifies the council that he intends to exercise his powers under subsection (4) below.
- (4) Where the Mayor—
  - (a) refuses to approve a local implementation plan under section 146 above, and
  - (b) has served on the London borough council who prepared the local implementation plan a notice under subsection (3) above,the Mayor may prepare a local implementation plan on behalf of the council.
- (5) Where the Mayor prepares a local implementation plan on behalf of a London borough council, he shall in preparing the plan consult—
  - (a) the council on whose behalf he is preparing the plan,
  - (b) the relevant Commissioner or, if the Mayor considers it appropriate, both Commissioners,
  - (c) Transport for London,
  - (d) such organisations representative of disabled persons as the Mayor considers appropriate, and
  - (e) each other London borough council whose area is in the opinion of the Mayor likely to be affected by the plan.
- (6) A local implementation plan prepared by the Mayor under this section shall include the matters required to be contained or included in the plan under section 145(1) and (3) above by a London borough council.
- (7) Where the Mayor prepares a local implementation plan on behalf of a London borough council, he may recover from the council as a civil debt any reasonable expenses incurred by him in preparing the plan.
- (8) In subsection (5)(b) above, the relevant Commissioner means—
  - (a) in relation to a local implementation plan prepared on behalf of the Common Council, the Commissioner of Police for the City of London, and
  - (b) in relation to a local implementation plan prepared on behalf of a council other than the Common Council, the Commissioner of Police of the Metropolis.

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#### **148 Revision.**

- (1) A London borough council may at any time prepare such revisions as it considers appropriate to the council's local implementation plan.
- (2) Where the Mayor revises the transport strategy under section 41(2) above, each London borough council shall as soon as reasonably practicable after the Mayor has published the transport strategy as revised prepare such revisions to the council's local implementation plan as it considers are necessary in order to implement that strategy in its area.
- (3) Where a London borough council considers that no revisions are required to be prepared under subsection (2) above the council shall notify the Mayor.
- (4) For the purposes of this section, the local implementation plan, in relation to any London borough council, means whichever of the following has been most recently approved, or as the case may be, prepared, by the Mayor, namely—
  - (a) a local implementation plan prepared by the council and approved by the Mayor under section 146 above;
  - (b) a local implementation plan, as proposed by the council to be revised, approved by the Mayor under that section; and
  - (c) a local implementation plan or revised local implementation plan prepared by the Mayor on behalf of the council.

#### **149 Procedure for revision.**

- (1) In preparing any revisions under section 148 above a London borough council shall consult the bodies and persons required to be consulted under subsection (2) of section 145 above, taking the references in paragraph (d) of that subsection and in subsection (5) of that section to the local implementation plan as references to revisions under section 148 above.
- (2) Each local implementation plan as proposed to be revised shall include the matters specified in section 145(1) and (3) above.
- (3) The provisions of section 146 above shall apply to a London borough council's local implementation plan as proposed to be revised as they apply to the council's local implementation plan.

#### **150 Power of the Mayor to prepare a revised plan.**

- (1) Where the Mayor has published the transport strategy as revised but it appears to the Mayor that a London borough council has failed—
  - (a) to prepare such revisions to the council's local implementation plan, or
  - (b) to submit to him for approval such a local implementation plan as proposed to be revised,
 as the Mayor considers necessary in order to implement in the council's area the transport strategy as revised, the Mayor may issue to the council a direction under section 153 below requiring the council to do so within such period as the Mayor shall specify in the direction.
- (2) Where the Mayor has issued a direction of the kind mentioned in subsection (1) above but the council has not complied with the direction within a reasonable time, the Mayor may prepare a revised local implementation plan on behalf of the council.

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- (3) Where the Mayor refuses to approve under subsection (2) of section 146 above a local implementation plan as proposed to be revised, the London borough council which submitted the plan shall prepare new revisions and submit to the Mayor under subsection (1) of that section a new local implementation plan as proposed to be revised, unless the Mayor notifies the council that he intends to exercise his powers under subsection (4) below.
- (4) Where the Mayor—
  - (a) refuses to approve under subsection (2) of section 146 above a local implementation plan as proposed to be revised, and
  - (b) has served on the London borough council who submitted the plan a notice under subsection (3) above,the Mayor may prepare a revised local implementation plan on behalf of the council.
- (5) In preparing a revised local implementation plan the Mayor shall consult the bodies and persons required to be consulted under subsection (5) of section 147 above, taking the references in paragraphs (a) and (e) of that subsection and in subsection (8) of that section to a local implementation plan prepared on behalf of a London borough council as references to a revised local implementation plan prepared on behalf of such a council.
- (6) A revised local implementation plan prepared by the Mayor under this section shall include the matters specified in section 145(1) and (3) above.
- (7) Where the Mayor prepares a revised local implementation plan on behalf of a London borough council, he may recover from the council as a civil debt any reasonable expenses incurred by him in preparing the plan.

## **151 Implementation by a London borough council.**

- (1) Where the Mayor has approved a local implementation plan, or a local implementation plan as proposed to be revised, submitted to him under section 146(1) above, the London borough council which submitted the plan—
  - (a) shall implement the proposals contained in it in accordance with the timetable included by virtue of section 145(3)(a) above, or, as the case may be, section 149(2) above, and
  - (b) shall implement all the proposals contained in it by the date included by virtue of section 145(3)(b) above, or, as the case may be, section 149(2) above.
- (2) Where the Mayor has prepared a local implementation plan or a revised local implementation plan on behalf of a London borough council under section 147 above, or, as the case may be, section 150 above, subsection (1) above shall apply in relation to the implementation by the council of the proposals contained in the plan as if the plan were a local implementation plan approved by the Mayor under section 146 above, or, as the case may be, a local implementation plan as proposed to be revised, approved by the Mayor under that section.

## **152 Implementation by the Mayor.**

- (1) Where the Mayor considers—

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- (a) that a London borough council has failed, or is likely to fail, satisfactorily to implement any proposal contained in a local implementation plan as required by section 151(1)(a) above, or
  - (b) that such a council has failed, or is likely to fail, to implement all such proposals as required by section 151(1)(b) above,
- he may, for the purposes of implementing the proposals contained in the local implementation plan, exercise on behalf of the council the powers that the council has in connection with the implementation of those proposals.
- (2) Subsection (1) above applies in relation to a local implementation plan, as proposed to be revised, approved by the Mayor under section 146 above as it applies to a local implementation plan approved by the Mayor under that section.
  - (3) Where the Mayor considers that a London borough council has failed to comply with any direction issued by him under section 153 below, he may exercise on behalf of the council such of the powers of the council as are necessary for the purposes of ensuring that the direction is complied with.
  - (4) Anything done by the Mayor in the exercise of powers conferred on him by virtue of this section shall be treated for all purposes as if it had been done by the London borough council on whose behalf he exercises the powers.
  - (5) Where the Mayor proposes to exercise any of the powers of a London borough council by virtue of this section he may direct the council not to exercise those or any other powers, in such circumstances or in relation to such matters, as may be specified in the direction.
  - (6) Where the Mayor issues a direction to a London borough council under subsection (5) above, the council shall comply with the direction.
  - (7) Any reasonable expenses incurred by the Mayor in the exercise of the powers of a London borough council by virtue of this section shall be recoverable by him from the council as a civil debt.

### **153 Directions by the Mayor.**

- (1) The Mayor may issue to any London borough council—
  - (a) general directions as to the manner in which it is to exercise its functions under sections 145 to 151 above, or
  - (b) specific directions as to the manner in which it is to exercise those functions.
- (2) Directions issued by the Mayor under subsection (1) above may include in particular directions—
  - (a) as to the timetable in accordance with which a local implementation plan or revisions to such a plan must be prepared,
  - (b) as to the bodies or persons who must be consulted about a local implementation plan or revisions to such a plan,
  - (c) as to the timetable mentioned in section 145(3)(a), 149(2) or 150(6) above,
  - (d) as to the date mentioned in section 145(3)(b), 149(2) or 150(6) above,
  - (e) as to the action required to be taken to implement the proposals contained in the local implementation plan in accordance with that timetable or by that date, or



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- (f) as to the steps required to be taken to remove the effects of action which is incompatible with such proposals.
- (3) The reference in subsection (2)(e) above to the local implementation plan includes a reference to—
  - (a) a local implementation plan, as proposed by a London borough council to be revised, approved by the Mayor under section 146 above; and
  - (b) a local implementation plan or revised local implementation plan prepared by the Mayor on behalf of a London borough council.
- (4) Where the Mayor issues a direction to a London borough council under subsection (1) above, the council shall comply with the direction.

## CHAPTER II

### TRANSPORT FOR LONDON

#### *Establishment and control*

#### **154 Establishment.**

- (1) There shall be a body corporate to be known as Transport for London.
- (2) Transport for London shall have the functions conferred or imposed on it by this Act, or made exercisable by it under this Act, and any reference in this Act to the functions of Transport for London includes a reference to any functions made exercisable by it under this Act.
- (3) Transport for London shall exercise its functions—
  - (a) in accordance with such guidance or directions as may be issued to it by the Mayor under section 155(1) below,
  - (b) for the purpose of facilitating the discharge by the Authority of the duties under section 141(1) and (2) above, and
  - (c) for the purpose of securing or facilitating the implementation of the transport strategy.
- (4) Schedule 10 shall have effect with respect to Transport for London.

#### **Commencement Information**

**I36** S. 154 wholly in force at 3.7.2000; s. 154 not in force at Royal Assent, see s. 425(2); s. 154(1)(4) in force (8.5.2000) by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 154 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### **155 Directions etc by the Mayor.**

- (1) The Mayor may issue to Transport for London—
  - (a) guidance as to the manner in which it is to exercise its functions,
  - (b) general directions as to the manner in which it is to exercise its functions, or
  - (c) specific directions as to the exercise of its functions.

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- (2) Directions issued by the Mayor under subsection (1)(c) above may include a direction not to exercise a power specified in the direction.
- (3) The guidance or directions which may be issued by the Mayor under subsection (1) above may include in particular guidance or directions as to the manner in which Transport for London—
  - (a) is to perform any of its duties, or
  - (b) is to conduct any legal proceedings.
- (4) Any guidance or directions issued under subsection (1) must be issued in writing and notified to such officer of Transport for London as it may from time to time nominate to the Mayor for the purpose.

**Modifications etc. (not altering text)**

**C45** S. 155(1) applied (with modifications) (*temp.*) (3.7.2000) by [S.I. 2000/1504](#), [arts. 4, 9\(1\)](#)

*Functions: general provisions*

**156 General powers.**

- (1) Transport for London may form, promote and assist, or join with any other person in forming, promoting and assisting, a company for the purpose of—
  - (a) carrying on any activities which Transport for London has power to carry on, or
  - (b) carrying on such activities together with activities which Transport for London does not have power to carry on.
- (2) Transport for London may enter into and carry out agreements with any person for the carrying on by that person, whether as agent for Transport for London or otherwise, of any activities which Transport for London has power to carry on (and, in particular, with respect to the provision or financing of any public passenger transport services which Transport for London has power to provide).
- (3) Transport for London may also enter into and carry out an agreement with any person for the carrying on by that person (the contractor) of any activities which Transport for London does not have power to carry on if the agreement includes provision for one or more of the following, namely—
  - (a) the carrying on by the contractor of such activities as are mentioned in subsection (2) above;
  - (b) the provision by the contractor to Transport for London of services ancillary to the provision of public passenger transport services; and
  - (c) the use by the contractor of land or other property owned by Transport for London, or transferred to the contractor by Transport for London, for the purposes of the agreement.
- (4) Where an agreement has been entered into under subsection (2) or (3) above, the powers conferred on Transport for London by that subsection include power to enter into and carry out other agreements with other persons for the purpose of—
  - (a) fulfilling any condition which must be fulfilled before the agreement can have effect; or

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- (b) satisfying any requirement imposed by or under the agreement.
- (5) Where—
- (a) a company has been formed in the exercise of the powers conferred by subsection (1) above (whether by Transport for London alone or by Transport for London jointly with some other person); or
- (b) Transport for London has entered into an agreement with any person in exercise of its powers under subsection (2) or (3) above;
- Transport for London may enter into arrangements with that company or person for the transfer from Transport for London to that company or person, in such manner and on such terms (including payments by any of the parties to the arrangements to any of the other parties) as may be provided for by the arrangements, of any property, rights or liabilities of Transport for London relevant to the purpose for which the company was formed or (as the case may be) to the performance by that person of his obligations under the agreement.
- (6) Without prejudice to section 173(1) or 176 below, Transport for London shall have power to enter into and carry out agreements with—
- (a) any of its subsidiaries; or
- (b) any person with whom it has entered into an agreement by virtue of subsection (2) or (3) above,
- providing for Transport for London to give assistance to the other party to the agreement by making available to that party any services, amenities or facilities provided by, or any works or land or other property belonging to, Transport for London, on such terms (including the reciprocal provision by that other party of similar assistance for Transport for London) as may be agreed between them.
- (7) The power of Transport for London under subsection (2) or (3) above to enter into an agreement as there mentioned is exercisable notwithstanding that the agreement involves the delegation of the functions of Transport for London under any enactment relating to any part of its undertaking.
- (8) Schedule 11 to this Act shall have effect for conferring further powers on Transport for London for the purpose of the discharge by Transport for London of any of its functions and with respect to the other matters there mentioned.

**Modifications etc. (not altering text)**

C46 S. 156(2) extended (28.6.2000) by S.I. 2000/1462, art. 6

**157 Restriction on exercise of certain powers except through a company.**

- (1) The Secretary of State may by order made with the consent of the Treasury provide that Transport for London shall not carry on such activities as are specified in the order except through a company which is limited by shares and registered under the <sup>M125</sup>Companies Act 1985 and which is—
- (a) a subsidiary of Transport for London; or
- (b) a company which Transport for London formed, or joined with others in forming, by virtue of section 156(1) above and which does not fall within paragraph (a) above.
- (2) The specification of an activity in an order under subsection (1) above shall not—

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- (a) prevent Transport for London from entering into or carrying out under section 156(2) or (3) above an agreement with a person for the carrying on of that activity by that person; or
  - (b) affect the validity of such an agreement.
- (3) If it appears to the Secretary of State that Transport for London is carrying out, or proposes to carry out, otherwise than in compliance with an order under subsection (1) above any activities specified in such an order—
- (a) the Secretary of State may give a direction to Transport for London requiring it to comply with the order within such period as may be specified for the purpose in the order; and
  - (b) Transport for London shall be under a duty to comply with such a direction.
- (4) If Transport for London does not comply with a direction under subsection (3) above in the case of an activity to which the direction relates, Transport for London shall be treated in respect of the carrying out of that activity as not being a local authority for the purposes of—
- (a) section 519 of the <sup>M126</sup>Income and Corporation Taxes Act 1988 (exemption of local authorities from income tax and corporation tax); and
  - (b) section 271 of the <sup>M127</sup>Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).

#### Commencement Information

**I37** S.157 wholly in force at 3.7.2000: s.157 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 157 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### Marginal Citations

**M125** 1985 c. 6.

**M126** 1988 c. 1.

**M127** 1992 c. 12.

### 158 Power of Mayor to transfer functions.

- (1) For the purpose of enabling any person to carry on any activities for which provision is made by an agreement under section 156(2) or (3) above or by a transport subsidiary's agreement, the Mayor may by order provide for any functions of Transport for London under any statutory provision to be exercisable by that person (whether to the exclusion of or concurrently with Transport for London).
- (2) An order under this section may—
- (a) provide for the functions to cease to be so exercisable when the activities cease to be carried on by that person (whether by reason of the expiry or termination of the agreement or otherwise); and
  - (b) make such supplementary, incidental and consequential provision as the Mayor considers expedient.
- (3) The power of the Mayor to make an order under this section includes a power exercisable by order to revoke, amend or re-enact any such order.

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- (4) An order made by the Mayor under this section shall not have effect unless and until it is confirmed by an order made by the Secretary of State.
- (5) This section does not apply to any function of Transport for London under this Act or any other statutory provision specifically amended by any provision of this Act.
- (6) Any reference in this section to Transport for London includes a reference to a subsidiary of Transport for London.

#### Commencement Information

**I38** S.158 wholly in force at 3.7.2000: s.158 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 158 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

### *Financial provisions*

#### **159 Financial assistance.**

- (1) Transport for London may give financial assistance to any body or person in respect of expenditure incurred or to be incurred by that body or person in doing anything which in the opinion of Transport for London is conducive to the provision of safe, integrated, efficient and economic transport facilities or services to, from or within Greater London.
- (2) Financial assistance may be given under this section by way of grant, loan or other payment.
- (3) The financial assistance that may be given to any London authority under this section includes in particular assistance in respect of any expenditure incurred or to be incurred by the authority in discharging any function of a highway authority or traffic authority.
- (4) In deciding whether to give financial assistance to a London authority under this section, and if so the amount or nature of any such assistance, the matters to which Transport for London may have regard include—
  - (a) any financial assistance or financial authorisation previously given to the authority by any body or person, and
  - (b) the use made by the authority of such assistance or authorisation.
- (5) In subsection (4) above, financial authorisation means authorisation allowing the authority to incur financial obligations.
- (6) Financial assistance under this section may be given subject to such conditions as Transport for London considers appropriate, including (in the case of a grant) conditions for repayment in whole or in part in specified circumstances.
- (7) In this section—

highway authority has the same meaning as in the <sup>M128</sup>Highways Act 1980 (see in particular sections 1 to 9 of that Act);

London authority means any London borough council or the Common Council; and

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traffic authority has the same meaning as in the <sup>M129</sup>Road Traffic Regulation Act 1984 (see sections 121A and 142(1) of that Act).

- (8) In section 88(2) of the <sup>M130</sup>Local Government Finance Act 1988 (list of defined councils to which transport grants are payable by the Secretary of State under section 87 of that Act)—
- (a) at the end of paragraph (aa) there shall be inserted “ and ”; and
  - (b) paragraphs (c) and (d) (which include in the list of defined councils the London borough councils and the Common Council) shall cease to have effect.
- (9) This section is without prejudice to any other power of Transport for London.

#### Marginal Citations

**M128** 1980 c. 66.

**M129** 1984 c. 27.

**M130** 1988 c. 41.

## 160 Guarantees.

- (1) Transport for London may guarantee to discharge any financial obligation of—
- (a) a subsidiary of Transport for London;
  - (b) any person (other than such a subsidiary) with whom Transport for London has entered into an agreement by virtue of section 156(2) or (3) above, where the guarantee is given for the purpose of enabling that person to carry out the agreement; or
  - (c) any person (other than such a subsidiary) with whom such a subsidiary has entered into a transport subsidiary’s agreement, where the guarantee is given for the purpose of enabling that person to carry out the agreement.
- (2) Transport for London may, for the purposes of discharging any of its functions, guarantee to discharge any financial obligation incurred or to be incurred by any person for the purposes of—
- (a) an undertaking carried on by him; or
  - (b) where the person is a body corporate, an undertaking carried on by a subsidiary of that body corporate.
- (3) A guarantee under this section may be subject to such conditions as Transport for London considers appropriate.
- (4) Transport for London may enter into arrangements with another person under which that person gives a guarantee which Transport for London has power to give under this section.
- (5) Where Transport for London enters into arrangements by virtue of subsection (4) above, the arrangements may provide for Transport for London to indemnify the person who gives the guarantee.
- (6) This section is without prejudice to any other power of Transport for London.

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### *Reports and information*

#### **161 Annual report.**

- (1) Transport for London shall, as soon as possible after the end of each financial year, make to the Authority a report on the exercise and performance by Transport for London of its functions during the year.
- (2) The report shall deal with—
  - (a) the contribution made by Transport for London towards the implementation of the transport strategy;
  - (b) the activities of any subsidiaries of Transport for London, so far as relevant to the performance of the functions of Transport for London during the year in question;
  - (c) any financial assistance given under section 159 above;
  - (d) any guarantees given under section 160(1) or (2) above;
  - (e) any arrangements entered into under section 160(4) above; and
  - (f) any indemnities given by virtue of section 160(5) above.
- (3) The report made under this section in respect of any financial year shall include such information as the Mayor may from time to time specify in writing with respect to any matter the report is required to deal with by virtue of subsection (1) or (2) above.
- (4) Transport for London shall publish any report made under this section.
- (5) A copy of any report made under this section 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.
- (6) A copy of any report made under this section, or any part of any such report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (7) In this section the appropriate period in the case of a report under this section is the period of six years beginning with the date of publication of the report pursuant to this section.

#### **162 Provision of information.**

- (1) Transport for London shall make available such information as it thinks fit which—
  - (a) relates to public passenger transport services provided to, from and within Greater London, and
  - (b) is required by members of the general public to assist in deciding what use to make of such services.
- (2) The information shall be made available, in such manner as Transport for London thinks fit, to—
  - (a) the general public, and
  - (b) such other persons as Transport for London thinks fit.
- (3) Transport for London may make such charges as it thinks fit for information which it makes available; but no such charge may be made if the information relates to public passenger transport services provided exclusively—

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- (a) by Transport for London or any of its subsidiaries, or
- (b) by other persons under any transport subsidiary's agreement or under agreements entered into under section 156(2) or (3) above.

### *Property and subsidiaries*

## **163 Restrictions on disposal of land.**

- (1) Neither Transport for London nor the Authority shall by virtue of any provision of this Act—
  - (a) dispose of the freehold interest in any land which is or has been operational land, or
  - (b) grant a leasehold interest in such land for a term of more than fifty years, without the consent of the Secretary of State.
- (2) Where an estate or interest in, or right over, any land which is or has been operational land is vested in a company which is a subsidiary of Transport for London, Transport for London shall not, without the consent of the Secretary of State, enter into any transaction or series of transactions the result of which would be that the company would cease to be a subsidiary of Transport for London.
- (3) Consent is not required under this section by reason of any land having been operational land if a period of at least five years has elapsed since the land was last operational land.
- (4) The Secretary of State may by order amend subsection (3) above by substituting a different period for that for the time being there specified.
- (5) Any consent of the Secretary of State under this section—
  - (a) may be given in relation to any particular transaction or description of transactions; and
  - (b) may be given subject to conditions.
- (6) Consent given under this section shall be given in an order made by the Secretary of State.
- (7) Any question whether land is operational land within the meaning of this section shall be determined by the Secretary of State.
- (8) In this section—
 

operational land means—

  - (a) land which is used for the purpose of carrying on any railway or tramway undertaking of Transport for London's or of a subsidiary of Transport for London's; and
  - (b) land in which an interest is held for that purpose;

but paragraphs (a) and (b) above do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of a railway or tramway undertaking;

railway and tramway shall be construed in accordance with section 67 of the <sup>M131</sup>Transport and Works Act 1992.



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(9) For the purposes of this section, land—

- (a) which has at any time been used, or
- (b) in which an interest has at any time been held,

for the purpose of carrying on a railway or tramway undertaking of London Regional Transport's, or of a subsidiary of London Regional Transport's, shall be treated as if that undertaking had at that time been an undertaking of Transport for London's or of a subsidiary of Transport for London's (and any question whether the land was, or had ceased to be, operational land at any time shall be determined accordingly).

**Modifications etc. (not altering text)**

**C47** S. 163 excluded (30.4.2002) by S.I. 2002/1066, art. 41(5)

**C48** S. 163 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, 48(5)

**Commencement Information**

**I39** S.163 wholly in force at 3.7.2000: s.163 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 163 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

**Marginal Citations**

**M131** 1992 c. 42.

**164 Control of subsidiaries.**

The powers of the Authority and the powers of Transport for London shall be exercised so as to ensure that a subsidiary of Transport for London—

- (a) does not do anything which Transport for London has no power to do (including anything which Transport for London has no power to do because the consent of the Secretary of State has not been obtained),
- (b) does not do anything which the Mayor has directed Transport for London not to do, and
- (c) does not, except with the consent of the Mayor, raise money by the issue of shares or stock to any person other than Transport for London or any other subsidiary of Transport for London.

**165 Distribution of property, rights and liabilities.**

- (1) Transport for London may make schemes for the transfer of property, rights and liabilities—
  - (a) between Transport for London and any subsidiary of Transport for London; or
  - (b) between any subsidiary of Transport for London and any other such subsidiary.
- (2) A scheme under this section shall not take effect unless and until it has been approved by the Mayor.
- (3) Where a scheme under this section is submitted to the Mayor for his approval, he may, after consultation with Transport for London, modify the scheme before approving it.

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- (4) Schedule 12 to this Act (which makes further provision in relation to schemes under this section) shall have effect.

### *Functions relating to legislation*

#### **166 Procedure for making byelaws.**

- (1) Section 236 of the <sup>M132</sup>Local Government Act 1972 (procedure for byelaws) shall be amended as follows.
- (2) In subsection (1) after the words “the Greater London Authority” (which are inserted by section 76(2) above) there shall be inserted “, Transport for London ”.
- (3) After subsection (10B) (which is inserted by section 76(3) above) there shall be inserted—
- “(10C) Transport for London shall send a copy of every byelaw made by it, and confirmed, to—
- (a) the Mayor of London;
  - (b) each London Borough Council; and
  - (c) the Common Council.”

#### **Marginal Citations**

M132 1972 c. 70.

#### **167 Power of Transport for London to promote or oppose Bills in Parliament.**

- (1) Transport for London—
- (a) may promote a local Bill in Parliament; and
  - (b) may oppose any local Bill in Parliament.
- (2) Subsection (1)(a) above applies only if the Authority—
- (a) gives its 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 Authority does not confirm the consent as required by subsection (2)(b) above, the Authority shall give notice of that fact to Transport for London, which shall take all necessary steps for the withdrawal of the Bill.
- (4) If the Authority, in giving notice under subsection (3) above, states that it confirms its consent to the Bill if provisions specified in the notice are omitted or are amended as so specified, Transport for London may, instead of withdrawing the Bill pursuant to subsection (3) above, 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) above, the functions conferred on Transport for London by subsection (1)(a) above are exercisable subject to, and in accordance with, the provisions of Schedule 13 to this Act.

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- (6) Subsection (1)(b) above applies only if the Authority gives its written consent to Transport for London to oppose the Bill.
- (7) If—
  - (a) Transport for London deposits a petition against a Bill in Parliament, but
  - (b) the consent required by subsection (6) above has not been given before the end of the period of 30 days following the day on which the petition is deposited,Transport for London shall take all necessary steps for the withdrawal of the petition.
- (8) The functions conferred or imposed on the Authority by this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (9) Before exercising the functions conferred on the Authority by subsection (2)(a) or (b), (4) or (6) above, the Mayor shall consult the Assembly.

## 168 Orders under the Transport and Works Act 1992.

- (1) Section 20 of the <sup>M133</sup>Transport and Works Act 1992 (power to apply for, or object to, orders) shall be amended as follows.
- (2) In subsection (2) (powers to be subject to the like conditions as powers to promote or oppose Bills) after except as provided by subsection (3) there shall be inserted “ or (4) ”.
- (3) After subsection (3) there shall be inserted—
  - “(4) In the case of Transport for London—
    - (a) the powers conferred by subsection (1) above shall be exercisable with the written consent of the Mayor of London; and
    - (b) subsection (2) above shall not have effect.”

### Marginal Citations

M133 1992 c. 42.

## Interpretation

## 169 Meaning of transport subsidiary’s agreement.

- (1) In this Act transport subsidiary’s agreement means an agreement with a person (the contractor)—
  - (a) which is entered into by, or transferred to, a subsidiary of Transport for London, and
  - (b) which falls within subsection (2) or (3) below.
- (2) An agreement falls within this subsection if it includes provision for the carrying on by the contractor, whether as agent for the subsidiary or otherwise, of any activities which Transport for London has power to carry on; and such an agreement may include provision with respect to the provision or financing of any public passenger transport services.

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- (3) An agreement falls within this subsection if it includes provision for the carrying on by the contractor of any activities which Transport for London does not have power to carry on and also provision for one or more of the following, namely—
- (a) the carrying on by the contractor of such activities as are mentioned in subsection (2) above;
  - (b) the provision by the contractor to the subsidiary of services ancillary to the provision of public passenger transport services; and
  - (c) the use by the contractor of land or other property owned by Transport for London or a subsidiary of Transport for London, or transferred to the contractor by Transport for London or a subsidiary of Transport for London, for the purposes of the agreement.

### CHAPTER III

#### LONDON REGIONAL TRANSPORT

#### 170 Powers of disposal.

- (1) Section 9 of the <sup>M134</sup>London Regional Transport Act 1984 (powers of disposal) shall be amended as follows.
- (2) In subsection (1)(a) (power to dispose of securities of one of their subsidiaries) for one of their subsidiaries there shall be substituted “ any subsidiary of theirs ”.
- (3) At the end of the section there shall be added—
- “(8) In this section—
- disposal means disposal—
- (a) by way of sale, exchange or lease,
  - (b) by way of the grant of any option or the creation of any easement, right or privilege, or
  - (c) in any other manner, except by way of appropriation or mortgage,
- and dispose of shall be construed accordingly;
- lease includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage.”

#### Marginal Citations

[M134 1984 c. 32.](#)

#### 171 Power to give guarantees.

- (1) Section 17 of the <sup>M135</sup>London Regional Transport Act 1984 (power of London Regional Transport to give financial assistance to subsidiaries and other bodies or persons) shall be amended as follows.
- (2) In subsection (2) after section 3(2) there shall be inserted “ or (2A) ”.

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

“(3A) London Regional Transport may enter into arrangements with another person under which that person gives a guarantee which London Regional Transport has power to give under this section.

(3B) Where London Regional Transport enters into arrangements by virtue of subsection (3A) above, the arrangements may provide for London Regional Transport to indemnify the person who gives the guarantee.”

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**Marginal Citations**

M135 1984 c. 32.

## 172 Supplementary provisions with respect to transfer schemes.

(1) Section 27 of the <sup>M136</sup>London Regional Transport Act 1984 (supplementary provisions with respect to transfer schemes) shall be amended as follows.

(2) In subsection (9) (modifications of Schedule 4 to the <sup>M137</sup>Transport Act 1968 in its application by subsection (8)) the word and at the end of paragraph (a) shall be omitted and after that paragraph there shall be inserted—

“(aa) the reference in paragraph 1(1) to all property, rights and liabilities comprised in a specified part of the transferor’s undertaking shall be read as including a reference to all such property, rights and liabilities subject to such exceptions as may be specified or described, or otherwise provided for, by the transfer scheme in question;

(ab) the reference in paragraph 13(1) to requiring the consent or concurrence of any person shall be read as including—

(i) a reference to being (and, where applicable, continuing after the transaction) in breach of any condition, requirement or restriction, and

(ii) a reference to any relevant right or option operating or becoming exercisable,

(and any such relevant right or option shall accordingly have effect as if the transferee were the same person in law as the transferor and no transaction had taken place); and”.

(3) After subsection (9) there shall be inserted—

“(10) In subsection (9)(ab) above relevant right or option means any 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, or any right to terminate or vary a contract.”

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**Marginal Citations**

M136 1984 c. 32.

M137 1968 c. 73.

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## CHAPTER IV

### PUBLIC PASSENGER TRANSPORT

#### 173 Provision of public passenger transport.

- (1) Transport for London may provide or secure the provision of public passenger transport services to, from or within Greater London.
- (2) Without prejudice to section 176 below, any agreement entered into by Transport for London by virtue of section 156(2) or (3)(a) above may in particular provide for—
  - (a) combined services for the through carriage of passengers or goods to be provided by Transport for London or any of its subsidiaries and any other party to the agreement, the quoting of through rates and the pooling of receipts and expenses in respect of such services;
  - (b) securing efficiency, economy and safety of operation in the provision of any public passenger transport services in pursuance of the agreement;
  - (c) the exercise by Transport for London, in accordance with the agreement, of control over fares in respect of any such services and their routes and frequency of operation and over charges in respect of any other facilities provided in pursuance of the agreement; and
  - (d) the making of payments by Transport for London to any other party to the agreement.

#### 174 Structure of fares and services.

- (1) The Mayor shall exercise his powers under section 155(1) above so as ensure that the matters specified in subsection (2) below are determined.
- (2) The matters mentioned in subsection (1) above are—
  - (a) the general level and structure of the fares to be charged for public passenger transport services provided by 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) above or in pursuance of a transport subsidiary's agreement;
  - (b) the general structure of routes of such services and the general level of provision to be made with respect to their frequency of operation; and
  - (c) the general level of charges to be made for other facilities provided as mentioned in paragraph (a) above.

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#### Modifications etc. (not altering text)

C49 S. 174(1) extended (*temp.*) (3.7.2000) by S.I. 2000/1504, art. 4

#### 175 Co-operation with the [<sup>F58</sup>Strategic Rail Authority].

- (1) It shall be the duty of Transport for London (either acting directly, or acting through a subsidiary) and the [<sup>F59</sup>Strategic Rail Authority] to co-operate with one another in the exercise and performance of their respective functions for the purpose—
  - (a) of co-ordinating the passenger transport services for persons travelling to, from and within Greater London—

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- (i) which are provided by Transport for London or any of its subsidiaries, and
  - (ii) which are provided under franchise agreements, or whose provision is secured by the <sup>F59</sup>Strategic Rail Authority] pursuant to section 30, 37 or 38 of the <sup>M138</sup>Railways Act 1993; and
- (b) of securing or facilitating the duty of Transport for London under section 154(3) above;
- and to afford to one another such information as to the services mentioned in paragraph (a) above as may reasonably be required for those purposes.
- (2) For the purposes of the co-operation required under subsection (1) above, Transport for London and the <sup>F59</sup>Strategic Rail Authority] may enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient.
- (3) The references in subsections (1) and (2) above to the functions of the <sup>F60</sup>Strategic Rail Authority] shall be taken as a reference to—
- (a) <sup>F61</sup>its] functions under sections 23 to 31 of the <sup>M139</sup>Railways Act 1993 (franchising of passenger services), and
  - (b) the duties imposed upon <sup>F62</sup>it] by sections 37 and 38 of that Act (discontinuance of railway passenger services) to secure the provision of services.

<sup>F63</sup>(4) . . . . .

**Textual Amendments**

- F58** S. 175: words in sidenote substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 59(1)(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))
- F59** Words in s. 175(1)(a)(ii)(2) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 59(1)(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))
- F60** Words in s. 175(3) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 59(1)(3)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))
- F61** Words in s. 175(3)(a) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 59(1)(3)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))
- F62** Word in s. 175(3)(b) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 59(1)(3)(c)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))
- F63** S. 175(4) repealed (1.2.2001) by 2000 c. 38, ss. 215(1), 274, Sch. 16 para. 59(1)(4), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, art. 2(2))

**Marginal Citations**

- M138** 1993 c. 43.
- M139** 1993 c. 43.

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## 176 Co-operation with other persons.

- (1) Where a public passenger transport service is provided under—
- (a) an agreement entered into by Transport for London under section 156(2) or (3)(a) above, or
  - (b) a transport subsidiary's agreement,
- by a person other than a subsidiary of Transport for London, it shall be the duty of that person and the other party to the agreement in question, either acting directly, or acting indirectly through subsidiaries of theirs, to co-operate with one another in the exercise and performance of their respective functions for the purposes specified in subsection (2) below.
- (2) The purposes mentioned in subsection (1) above are—
- (a) the co-ordinating of passenger transport services, and
  - (b) the securing of, or the facilitating of, the proper discharge of the duty of Transport for London under section 154(3) above.
- (3) The duty of co-operation imposed by subsection (1) above requires both parties to an agreement under section 156(2) or (3)(a) above or to a transport subsidiary's agreement to provide to one another such information as to their services as may reasonably be required for the purposes specified in subsection (2) above.

## 177 Provision of extra passenger transport services and facilities.

- (1) The council of a London borough and the Common Council shall each have power to enter into and carry out agreements with—
- (a) Transport for London,
  - (b) the [<sup>F64</sup>Strategic Rail Authority], or
  - (c) any person who is the holder of a passenger licence, a network licence or a station licence,
- with respect to the provision or retention, and financing, of public passenger transport services and facilities which would not be available apart from any such agreement.
- (2) Transport for London and the [<sup>F64</sup>Strategic Rail Authority] shall each have power to enter into and carry out agreements with the council of a London borough or the Common Council with respect to the matters specified in subsection (1) above.
- (3) The terms of an agreement entered into under this section shall be such as may be agreed between the parties to the agreement.
- (4) Expressions used in this section and in Part I of the <sup>M140</sup>Railways Act 1993 have the same meaning in this section as in that Part.

### Textual Amendments

**F64** Words in s. 177(1)(b)(2) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 60**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

### Marginal Citations

**M140** 1993 c. 43.



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## **178 Information and publicity about plans as to services and fares.**

- (1) Transport for London shall in each year inform the bodies mentioned in subsection (2) below of its current plans with respect to—
  - (a) the general level of transport services and facilities to be provided by Transport for London, any subsidiary of Transport for London or any other person in pursuance of an agreement entered into by virtue of section 156(2) or (3)(a) above or in pursuance of a transport subsidiary's agreement;
  - (b) the general structure of routes of such services;
  - (c) the general level and structure of fares to be charged for such services; and
  - (d) the general level of charges to be made for such facilities.
- (2) The bodies are—
  - (a) the London borough councils;
  - (b) the Common Council;
  - (c) the council of any county or district any part of whose area appears to Transport for London to be affected significantly by any plans falling within subsection (1) above; and
  - (d) the London Transport Users' Committee.
- (3) Transport for London shall cause particulars of the general level and structure of the fares falling within subsection (1)(c) above as they apply for the time being to be published in such manner as it thinks fit.

## **CHAPTER V**

### **REGULATION OF BUS SERVICES IN GREATER LONDON**

#### *Introductory*

## **179 London local services.**

- (1) In this Part—

local service has the meaning given to it by section 2 of the <sup>M141</sup>Transport Act 1985, and

London local service means a local service with one or more stopping places in Greater London.
- (2) Where a local service is or is to be provided both inside and outside Greater London, any part of the service which is or is to be provided outside Greater London shall be treated as a separate service for the purposes of this Part if there is any stopping place for that part of the service outside Greater London.
- (3) For the purposes of this Part of this Act a service provided in pursuance of an agreement with the <sup>F65</sup>Strategic Rail Authority, entered into under section 214 of the Transport Act 2000] (temporary interruption of railway service), is not a London local service.

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#### **Textual Amendments**

**F65** Words in s. 179(3) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 58**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

#### **Marginal Citations**

**M141** 1985 c. 67

### **180 Provision of London local services.**

- (1) No London local service may be provided except in accordance with the provisions of this Chapter.
- (2) If a London local service is provided in contravention of subsection (1) above, the operator of the service shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) It shall be a defence for a person charged with an offence under subsection (2) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

#### **Modifications etc. (not altering text)**

**C50** S. 180 modified (28.6.2000) by S.I. 2000/1462, **art. 4(1)(2)**

### *The London bus network*

### **181 The London bus network.**

- (1) Transport for London shall determine which London local services are required for the purpose of providing safe, integrated, efficient and economic transport services in Greater London.
- (2) The determination made by Transport for London under subsection (1) above shall be kept under review and may be revised at any time.
- (3) The London local services which Transport for London determines are required under this section shall be known collectively as the London bus network.
- (4) A London local service which is part of the London bus network may be provided only—
  - (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) above or in pursuance of a transport subsidiary's agreement.
- (5) Transport for London shall so far as reasonably practicable provide or secure the provision of the London bus network.

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## 182 London local service agreements.

- (1) Where a London local service which is part of the London bus network is provided in pursuance of an agreement entered into by Transport for London under section 156(2) above or in pursuance of a transport subsidiary's agreement, the agreement shall be known as a London local service agreement.
- (2) Where a London local service agreement relates to a local service part of which is to be provided outside Greater London, subsection (3) below applies to any provision contained in the agreement with respect to the carriage of passengers other than those who are both taken up and set down in Greater London.
- (3) A provision of a description specified in subsection (2) above shall be of no effect if or so far as it is inconsistent with any condition attached under section 8 of the <sup>M142</sup>Transport Act 1985 (enforcement of traffic regulation conditions etc by a traffic commissioner)—
  - (a) to a PSV operators' licence held by the operator of the service, or
  - (b) to a permit under section 22 of the <sup>M143</sup>Transport Act 1985 (a community bus permit).

### Marginal Citations

M142 1985 c. 67.

M143 1985 c. 67.

## 183 Addition or variation of a network service.

- (1) Subsection (2) below applies where—
  - (a) Transport for London or any of its subsidiaries proposes to provide a new London local service or to vary an existing London local service,
  - (b) Transport for London proposes to enter into a London local service agreement for the provision of a new London local service, or
  - (c) Transport for London proposes to agree to a variation in an existing London local service provided pursuant to a London local service agreement,and the proposal, if effected, would alter the London bus network.
- (2) Transport for London shall before making a decision about the proposal consult—
  - (a) the commissioner or commissioners of police affected,
  - (b) the London authorities affected,
  - (c) the London Transport Users' Committee, and
  - (d) any other person whom Transport for London considers it appropriate to consult,about the matters specified in subsection (3) below relating to the proposed new service or the service as proposed to be altered.
- (3) The matters mentioned in subsection (2) above are—
  - (a) the route,
  - (b) the terminal points,
  - (c) the points at which passengers may or may not be taken up and set down, and
  - (d) the place at which, or street by the use of which, vehicles used for the service may turn at a terminal point.

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- (4) For the purposes of this section, the London authorities affected by a proposal are the London authorities in whose area there is situated—
- (a) any part of the route in question, or
  - (b) any of the places mentioned in subsection (3)(b) to (d) above.
- (5) Where a place or street mentioned in paragraph (d) of subsection (3) above is situated in the area of a local authority other than a London authority, Transport for London is also required under subsection (2) above to consult that local authority about the matter specified in that paragraph.
- (6) For the purposes of this section a commissioner of police is affected by a proposal if he is—
- (a) the Commissioner of Police of the Metropolis, or
  - (b) the Commissioner of Police of the City of London,
- and any part of the route in question, or any of the places mentioned in subsection (3) (b) to (d) above, is situated in the police area for which he is the Commissioner.
- (7) For the purposes of this Chapter a London authority is any London borough council or the Common Council.

#### **184 Discontinuance of a network service.**

- (1) Subsection (2) below applies where—
- (a) Transport for London or any of its subsidiaries proposes to discontinue a London local service which is part of the London bus network, or
  - (b) Transport for London proposes not to renew a London local service agreement pursuant to which a London local service which is part of the London bus network is provided,
- except where Transport for London proposes that a service replacing the London local service in question and equivalent to it will be provided (whether by Transport for London or any of its subsidiaries, or pursuant to a London local service agreement).
- (2) Transport for London shall before making a decision about the proposal consult—
- (a) the London authorities affected,
  - (b) the London Transport Users' Committee, and
  - (c) any other person whom Transport for London considers it appropriate to consult.
- (3) For the purposes of this section the London authorities affected by a proposal are the London authorities in whose area there is situated any part of the route of the service in question.

#### *Bus services outside the network*

#### **185 London service permits.**

- (1) A London local service which is not part of the London bus network may be provided only by a person who is authorised to provide the service by a permit granted by Transport for London (a London service permit).

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- (2) The Mayor shall prepare and adopt a document (the guidance document) containing the criteria by which applications for a London service permit will be considered.
- (3) The Mayor shall keep the guidance document under review and may revise it at any time.
- (4) Where the guidance document is revised, the Mayor shall adopt the document as revised.

**Modifications etc. (not altering text)**

- C51** S. 185(1) modified (28.6.2000) by S.I. 2000/1462, **art. 4(1)(3)**
- C52** S. 185(3): transfer of functions to the Secretary of State during "the interim guidance period" (as defined in S.I. 2000/1462, **art. 7(10)**) by S.I. 2000/1462, **art. 7(4)** (with **art. 7(9)**)

**186 Grant of London service permits.**

- (1) An application for a London service permit shall be made in such manner and accompanied by such supporting evidence as may be determined by Transport for London.
- (2) Transport for London may charge a fee—
  - (a) for processing the application for a London service permit under subsection (1) above,
  - (b) for granting a London service permit, or
  - (c) for both (a) and (b) above.
- (3) In deciding whether to grant a London service permit Transport for London—
  - (a) shall have regard to the criteria contained in the guidance document,
  - (b) shall have regard to any other material considerations, and
  - (c) shall consult the persons and bodies specified in subsection (4) below.
- (4) The persons and bodies mentioned in subsection (3)(c) above are—
  - (a) the London authorities affected,
  - (b) the commissioner or commissioners of police affected,
  - (c) the London Transport Users' Committee, and
  - (d) any other person whom Transport for London considers it appropriate to consult.
- (5) Where Transport for London grants a London service permit it shall send notice of the grant, including particulars of the services authorised by the permit to be provided, to the London Transport Users' Committee, the London authorities affected and the commissioner or commissioners of police affected.
- (6) For the purposes of this section, the London authorities affected are the London authorities in whose area there is situated any part of the route of the London local service to which the application for the London service permit relates.
- (7) For the purposes of this section a commissioner of police is affected if he is—
  - (a) the Commissioner of Police of the Metropolis, or
  - (b) the Commissioner of Police of the City of London,

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and any part of the route of the London local service to which the application for the London service permit relates is situated in the police area for which he is the Commissioner.

### **187 Conditions.**

- (1) Transport for London may attach to a London service permit granted under section 186 above such conditions as it thinks fit.
- (2) The conditions that may be attached to a London service permit by virtue of subsection (1) above include conditions for securing—
  - (a) that suitable routes are used in providing any service authorised to be provided by the permit,
  - (b) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points, or
  - (c) the safety and convenience of the public, including persons who have mobility problems.
- (3) No condition as to fares shall be attached under this section to a London service permit.
- (4) Transport for London may at any time vary a London service permit—
  - (a) by altering any condition attached to the permit,
  - (b) by removing any condition attached to the permit, or
  - (c) by attaching to the permit any condition.
- (5) Compliance with any condition attached to a London service permit under this section may be temporarily dispensed with by Transport for London if it is satisfied—
  - (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached, or, if the condition has been altered, when it was last altered, and
  - (b) that such a dispensation would not adversely affect the safety and convenience of the public, including persons who have mobility problems.
- (6) If a condition attached to a London service permit under this section is contravened, the holder of the permit shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

### **188 Revocation.**

- (1) Subject to subsection (2) below, a London service permit may be revoked or suspended by Transport for London on the ground that there has been a contravention of any condition attached to it.
- (2) Transport for London shall not revoke or suspend a London service permit unless, owing to—
  - (a) the frequency of the breach of conditions, or
  - (b) the breach having been committed intentionally, or
  - (c) the danger to the public involved in the breach,

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Transport for London is satisfied that the permit should be revoked or suspended.

- (3) On revoking or suspending a London service permit Transport for London shall send notice of the revocation or suspension to each commissioner of police and London authority notified of the grant of the licence in accordance with section 186(5) above.
- (4) A London service permit suspended under this section shall during the period of suspension be of no effect.

## **189 Appeals.**

- (1) Where Transport for London refuses to grant a London service permit, it must issue a notice stating the reasons for the decision to do so to the person who made the application for the permit.
- (2) A person to whom a notice has been issued under subsection (1) above may [<sup>F66</sup>make an appeal] against the decision in relation to which the notice was issued.
- (3) Where Transport for London—
  - (a) attaches any condition to a London service permit, or alters or removes any condition so attached; or
  - (b) revokes or suspends a London service permit,it must issue a notice to the holder of the permit stating the reasons for the decision to do so.
- (4) A holder of a London service permit to whom a notice has been issued under subsection (3) above may [<sup>F66</sup>make an appeal] against the decision in relation to which the notice was issued.
- (5) An appeal under this section against a decision of Transport for London must be made before the end of the period of 28 days beginning with the date of issue of the notice relating to the decision [<sup>F67</sup>; but, subject to that, the procedure for the making of appeals under this section shall be such as the Secretary of State may by regulations prescribe.].
- [<sup>F68</sup>(6) An appeal under this section shall be heard by a panel of persons appointed by the Lord Chancellor for the purpose of hearing such an appeal (an appeal panel).]
- [<sup>F69</sup>(7) The Secretary of State may make regulations providing for the charging of reasonable fees in respect of appeals under this section.]
- (8) A person shall be disqualified from being appointed to be, or being, a member of an appeal panel if he is—
  - (a) an Assembly member,
  - (b) a member of staff of the Authority,
  - (c) a member of, or a member of staff of, Transport for London, or
  - (d) a director of a subsidiary of Transport for London or a member of staff of such a subsidiary.
- (9) The [<sup>F70</sup>Secretary of State] may pay to the members of an appeal panel such fees and expenses as he considers appropriate.
- (10) An appeal panel shall regulate its own procedure but, unless the person making the appeal requests otherwise, any appeal hearing shall be conducted on the basis of documentary evidence only.

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- [<sup>F71</sup>(11) An appeal panel which has heard an appeal against a decision may—
- (a) uphold the decision,
  - (b) quash the decision, or
  - (c) substitute for the decision such other decision which Transport for London had power to make as appears to the appeal panel to be appropriate.
- <sup>F71</sup>(12) An appeal panel which has heard an appeal may make an order about payment of the costs of the appeal; and such an order may require that Transport for London pay to the person who made the appeal a sum equal to the whole or part of any fee paid in accordance with regulations under subsection (7) above.]

#### Textual Amendments

- F66** Words in s. 189(2)(4) substituted (E.W.) (1.4.2002 for E. and otherwise *prosp.*) by 2000 c. 38, ss. **267(1)(2)**, 275(1); S.I. 2002/658, art. 2, **Sch. Pt. 2**
- F67** Words in s. 189(5) inserted (E.W.) (1.2.2001 (E.) for specified purposes and otherwise *prosp.*) by 2000 c. 38, s. **267(1)(3)**; S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)
- F68** S. 189(6) substituted (E.W.) (1.4.2002 for E. and otherwise *prosp.*) by 2000 c. 38, ss. **267(1)(4)**, 275(1); S.I. 2002/658, art. 2, **Sch. Pt. 2**
- F69** S. 189(7) substituted (E.W.) (1.2.2001 (E.) for specified purposes and otherwise *prosp.*) by 2000 c. 38, s. **267(1)(5)**; S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)
- F70** Words in s. 189(9) substituted (E.W.) (1.4.2002 for E. and otherwise *prosp.*) by 2000 c. 38, ss. **267(1)(6)**, 275(1); S.I. 2002/658, art. 2, **Sch. Pt. 2**
- F71** S. 189(11)(12) substituted for s. 189(11)-(13) (E.W.) (1.4.2002 for E. and otherwise *prosp.*) by 2000 c. 38, ss. **267(7)**, 275(1); S.I. 2002/658, art. 2, **Sch. Pt. 2**

## 190 Duration.

- (1) The duration of a London service permit shall not be longer than five years.
- (2) If, on the date on which a London service permit is due to expire, an application has been made for the grant of a new London service permit in substitution for it and—
  - (a) Transport for London has neither granted nor refused to grant the London service permit applied for,
  - (b) Transport for London has refused to grant the London service permit applied for but an appeal against the refusal has been made under section 189 above and not disposed of, or
  - (c) Transport for London has granted the London service permit applied for but an appeal against a decision to attach a condition to the permit has been made under section 189 above and not disposed of,
 subsection (3) below shall apply.
- (3) Where this subsection applies, the existing London service permit shall continue in force—
  - (a) in a case falling within subsection (2)(a) above, until Transport for London grants or refuses to grant the London service permit applied for, or
  - (b) in a case falling within subsection (2)(b) or (c) above, until the appeal has been disposed of.
- (4) Where subsection (3)(a) above applies, if Transport for London—
  - (a) refuses to grant the London service permit applied for, or



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- (b) grants the London service permit applied for but at the time of the grant attaches any condition to the permit,  
the existing London service permit shall continue in force until any appeal which is made under section 189 above against the decision in question has been disposed of.
- (5) This section is without prejudice to section 188 above.

#### *Guidance document*

### **191 Consultation.**

- (1) When preparing or revising the guidance document and before finally determining the contents of the document or any revisions, the Mayor shall—
- (a) publish a notice in a newspaper circulating in the entire area of Greater London, stating where a draft of the guidance document (or the revisions, as the case may be) may be inspected, and
  - (b) consult the persons and bodies specified in subsection (2) below.
- (2) The persons and bodies mentioned in subsection (1)(b) above are—
- (a) each London authority,
  - (b) the local authority for any other area which the Mayor considers will be affected by the contents of the guidance document or the revisions, as the case may be,
  - (c) the Commissioner of Police of the Metropolis and the Commissioner of Police of the City of London,
  - (d) the traffic commissioner for the Metropolitan Traffic area,
  - (e) the traffic commissioner for any other traffic area which the Mayor considers will be affected by the contents of the guidance document or the revisions, as the case may be,
  - (f) the London Transport Users' Committee, and
  - (g) any other person whom the Mayor considers it appropriate to consult.
- (3) Where the Mayor is determining the contents of revisions to the guidance document and the revisions will not affect the entire area of Greater London, the obligation imposed under subsection (1)(a) above shall not have effect and instead a notice stating where a draft of the revisions can be inspected shall be published in a newspaper circulating in the area or areas which the Mayor considers will be affected by the revisions.

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**Modifications etc. (not altering text)**

**C53** S. 191 excluded (28.6.2000) by S.I. 2000/1462, art. 7(5) (with art. 7(9))

### **192 Publication.**

- (1) The Mayor shall publish the guidance document.
- (2) Where the Mayor revises the guidance document he shall publish it as revised.
- (3) In this Act, references to the guidance document include, except where the context otherwise requires, a reference to the current version of the guidance document.

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- (4) The guidance document must be published no later than 180 days after the Mayor has published the transport strategy prepared by him under section 142(1) above.
- (5) The Mayor shall send to the Common Council and to each London borough council a copy of the current version of the guidance document.
- (6) A copy of the current version of the guidance document 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.
- (7) A copy of the current version of the guidance document, or any part of it, shall be supplied to any person on request for such reasonable fee as the Mayor may determine.
- (8) Any reference in this section to the current version of the guidance document is a reference to the guidance document as last published, whether originally or as revised.

**Modifications etc. (not altering text)**

- C54** S. 192(1)-(3) extended (28.6.2000) by S.I. 2000/1462, **art. 7(6)** (with art. 7(9))  
**C55** S. 192(4) restricted (28.6.2000) by S.I. 2000/1462, **art. 7(8)(a)** (with art. 7(9))  
**C56** S. 192(5) restricted (28.6.2000) by S.I. 2000/1462, **art. 7(8)(b)** (with art. 7(9))

*Miscellaneous*

**193 Validity of agreements and permits.**

- (1) A London local service agreement shall be of no effect at any time when the party to the agreement who is not Transport for London does not hold—
  - (a) a PSV operators' licence, or
  - (b) a permit granted under section 22 of the <sup>M144</sup>Transport Act 1985 (a community bus permit).
- (2) A London service permit shall be of no effect at any time when the holder of the permit does not hold a licence of the description specified in subsection (1)(a) above, or a permit of the description specified in subsection (1)(b) above.
- (3) In any case where a local education authority is providing a service falling within section 46(1) of the <sup>M145</sup>Public Passenger Vehicles Act 1981 (no requirement for a PSV operators' licence where a school bus is being used to provide a service)—
  - (a) subsection (1) above does not apply in relation to any London local service agreement pursuant to which the local education authority is providing the service, and
  - (b) subsection (2) above does not apply in relation to any London service permit by which the local education authority is authorised to provide the service.

**Marginal Citations**

- M144** 1985 c. 67.  
**M145** 1981 c. 14.

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## 194 Application of the Public Passenger Vehicles Act 1981.

- (1) The provisions of the <sup>M146</sup>Public Passenger Vehicles Act 1981 specified in subsection (2) below apply in relation to the grant of London service permits, or to London service permits granted, under this Part of this Act, as they apply in relation to the grant of PSV operators' licences, or PSV operators' licences granted, under that Act.
- (2) The provisions mentioned in subsection (1) above are—
  - (a) section 57 (death, bankruptcy, etc. of licence holder) taking the references to the traffic commissioner by whom the licence was granted as a reference to Transport for London, and
  - (b) section 58(2) (grant of licences to unincorporated body or to persons jointly).
- (3) Section 84 of the <sup>M147</sup>Public Passenger Vehicles Act 1981 (which relates to the effects of that Act in relation to general public interests) shall have effect as if the provisions of this Chapter were contained in that Act.

### Marginal Citations

<sup>M146</sup> 1981 c. 14.

<sup>M147</sup> 1981 c. 14.

## 195 Interpretation of Chapter V.

In this Chapter—

the guidance document shall be construed in accordance with section 185(2) above,

London authority shall be construed in accordance with section 183(7) above,

London bus network shall be construed in accordance with section 181 above,

London local service agreement shall be construed in accordance with section 182 above,

London service permit shall be construed in accordance with section 185 above,

London Transport Users' Committee means the committee established under section 247 below,

PSV operators' licence means a licence granted under the provisions of Part II of the <sup>M148</sup>Public Passenger Vehicles Act 1981,

stopping place means, in relation to any service or part of a service, a point at which passengers are (or, in the case of a proposed service, are proposed to be) taken up or set down in the course of that service or part,

traffic area means a traffic area constituted for the purposes of the <sup>M149</sup>Public Passenger Vehicles Act 1981,

traffic commissioner for the Metropolitan Traffic area means the traffic commissioner for the traffic area in which Greater London is for the time being situated by virtue of section 3 of the <sup>M150</sup>Public Passenger Vehicles Act 1981.

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#### Marginal Citations

**M148** 1981 c. 14.

**M149** 1981 c. 14.

**M150** 1981 c. 14.

## CHAPTER VI

### RAILWAYS

#### <sup>F72</sup> *The Authority and the Strategic Rail Authority*

#### Textual Amendments

**F72** S. 196 cross-heading substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 61**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

#### <sup>F73</sup> **196 Power of Authority to give directions and guidance to Strategic Rail Authority.**

- (1) The Authority may give directions and guidance to the Strategic Rail Authority in relation to the provision of railway services in Greater London.
- (2) It is immaterial for the purpose of giving directions and guidance under subsection (1) above whether implementation of the directions and guidance affects railway services outside Greater London.
- (3) The Strategic Rail Authority shall exercise its functions in the manner best calculated to implement any directions and guidance given to it by the Authority (but subject to subsections (4) and (5) below).
- (4) The Strategic Rail Authority shall not implement any directions or guidance given to it by the Authority if or to the extent that to do so would prevent or seriously hinder the Strategic Rail Authority—
  - (a) from complying with any directions given to it by the Secretary of State under section 207(5) of the Transport Act 2000 or from having regard to any guidance so given; or
  - (b) from exercising any of its functions in a manner which is consistent with its financial framework.
- (5) The Strategic Rail Authority need not implement any directions or guidance given to it by the Authority if or to the extent that to do so would—
  - (a) have an adverse effect on the provision of services for the carriage of passengers or goods by railway outside Greater London; or
  - (b) increase the amount of any expenditure of the Strategic Rail Authority under agreements or other arrangements entered into (in accordance with a franchise agreement) with the franchise operator, the franchisee or any servant, agent or independent contractor of the franchise operator or franchisee.

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- (6) If the Strategic Rail Authority decides not to implement any directions or guidance given to it by the Authority, whether generally or in a particular case, it shall give the Authority notification of the decision and its reasons for it.
- (7) The directions and guidance which may be given under this section are—
- (a) directions and guidance as to the manner in which the Strategic Rail Authority is to exercise its functions in order to comply with section 207(1) to (3) of the Transport Act 2000, and
  - (b) directions to the Strategic Rail Authority not to exercise any of its functions in a particular manner (or not to do so without consulting, or obtaining the consent of, the Authority),
- in relation to the provision of services for the carriage of passengers by railway or the operation of additional railway assets under or by virtue of any franchise agreement or any provision of sections 30 and 37 to 49 of the <sup>M151</sup>Railways Act 1993.
- (8) The functions of the Authority under this section shall be exercisable by the Mayor acting on behalf of the Authority.
- (9) Expressions used in this section and in Part I of the Railways Act 1993 have the same meaning in this section as in that Part.]

#### Textual Amendments

**F73** S. 196 substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 61**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, art. 2(2))

#### Marginal Citations

**M151** 1993 c. 43.

### 197 [F74Strategic Rail Authority] to consult Mayor as to fares, services etc.

- (1) The [F74Strategic Rail Authority] shall from time to time consult the Mayor as to—
- (a) the general level and structure of the fares to be charged for the carriage of passengers by railway on services to which this section applies; and
  - (b) the general level of the provision to be made for such services.
- (2) The services to which this section applies are services to, from or within Greater London—
- (a) which are, or are to be, provided under franchise agreements; or
  - (b) whose provision the [F74Strategic Rail Authority] is under a duty to secure, by virtue of section 30, 37 or 38 of the Railways Act 1993 (which relate to the failure to secure a subsequent franchise agreement and the proposed discontinuance of services).

#### Textual Amendments

**F74** Words in s. 197 and sidenote substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 62**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, art. 2(2))

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### *Licences, access contracts and franchising*

#### **198 Exemptions by order under Part I of the Railways Act 1993.**

- (1) The <sup>M152</sup>Railways (London Regional Transport) (Exemptions) Order 1994 shall have effect with the following amendments.
- (2) In article 2 (interpretation) the word and immediately preceding the definition of LRT company shall be omitted, and in that definition, after means there shall be inserted “ (a) ” and at the end there shall be added—
  - “(b) Transport for London or any subsidiary of theirs; or
  - (c) a PPP company, so far as carrying out qualifying activities”.
- (3) In article 2, after the definition of LRT company there shall be added—
 

“PPP agreement and PPP company have the same meaning as in Chapter VII of Part IV of the Greater London Authority Act 1999 (public-private partnership agreements);

qualifying activities, in relation to a PPP company, means light maintenance services, network services or station services carried out by the PPP company in fulfilment of obligations imposed on the company by a PPP agreement.”
- (4) The amendments made by this section are without prejudice to the exercise of any power conferred by any enactment (including a power conferred by any provision of this Act) to amend the said Order of 1994 by an enactment comprised in subordinate legislation, within the meaning of the <sup>M153</sup>Interpretation Act 1978.

#### **Marginal Citations**

**M152** S.I. 1994/573.

**M153** 1978 c. 30.

#### **199 Licence exemptions and facility exemptions.**

- (1) The Secretary of State may, after consultation with the [<sup>F75</sup>Office of Rail Regulation] and the [<sup>F76</sup>Strategic Rail Authority], by order grant at any time—
  - (a) a licence exemption under subsection (1) of section 7 of the <sup>M154</sup>Railways Act 1993, <sup>F77</sup>. . . , or
  - (b) a facility exemption under section 20 of that Act, <sup>F78</sup>. . . ,
 subject to and in accordance with the following provisions of this section.
- (2) An exemption by virtue of paragraph (a) or (b) of subsection (1) above may only be granted in respect of railway assets or railway facilities comprised in, or used on or in connection with, a network on which some or all of the regular scheduled passenger services are operated by London Regional Transport or Transport for London or a subsidiary of London Regional Transport or Transport for London.
- (3) The power conferred by subsection (1) above is exercisable only if the Secretary of State has received an application for the grant of the exemption from the appropriate London transport authority.

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(4) In this section—

the appropriate London transport authority means—

(a) as respects any time before the transfer date, London Regional Transport; and

(b) as respects any time on or after that date, Transport for London;

the transfer date means the date on which London Underground Limited becomes a subsidiary of Transport for London;

and, subject to that, expressions used in this section and in Part I of the <sup>M155</sup>Railways Act 1993 have the same meaning in this section as in that Part.

#### Textual Amendments

**F75** Words in s. 199 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(q\)](#); S.I. 2004/827, art. 4(g)

**F76** Words in s. 199(1) substituted (1.2.2001) by [2000 c. 38, s. 215\(1\)](#), [Sch. 16 para. 63](#); S.I. 2001/57, art. 3(1), [Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#)) (which S.I. is amended by S.I. 2001/115, [art. 2\(2\)](#))

**F77** Words in s. 199(1)(a) repealed (1.2.2001) by [2000 c. 38, s. 274](#), [Sch. 31 Pt. IV](#); S.I. 2001/57, art. 3(1), [Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#)) (which S.I. is amended by S.I. 2001/115, [art. 2\(2\)](#))

**F78** Words in s. 199(1)(b) repealed (1.2.2001) by [2000 c. 38, s. 274](#), [Sch. 31 Pt. IV](#); S.I. 2001/57, art. 3(1), [Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#)) (which S.I. is amended by S.I. 2001/115, [art. 2\(2\)](#))

#### Commencement Information

**I40** S. 199 partly in force: s. 199 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2)

#### Marginal Citations

**M154** 1993 c. 43.

**M155** 1993 c. 43.

## 200 Railway access contracts.

(1) Where it considers that to do so is best calculated to meet any need relating to transport in or around, or to or from, Greater London, Transport for London may enter into an access contract to which section 18 of the <sup>M156</sup>Railways Act 1993 applies, notwithstanding—

(a) that such a contract can only be entered into on terms approved (with or without modification) by the [<sup>F79</sup>Office of Rail Regulation] and pursuant to directions given by the [<sup>F79</sup>Office of Rail Regulation] under that section; and

(b) that the terms of the contract may confer on the [<sup>F79</sup>Office of Rail Regulation] powers to determine the manner in which Transport for London is to exercise its functions in relation to the contract.

(2) The duty imposed on the Mayor by section 174 above accordingly also has effect subject, as respects the power conferred on Transport for London by subsection (1) above, to the powers of the [<sup>F79</sup>Office of Rail Regulation] under section 18 of the <sup>M157</sup>Railways Act 1993.

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- (3) After section 41 of the <sup>M158</sup>London Regional Transport Act 1984 there shall be inserted—

*“ Railway access contracts*

**41A Access contracts under the Railways Act 1993.**

- (1) Where it considers that to do so is best calculated to meet any need relating to transport in or around, or to or from, Greater London, London Regional Transport may enter into an access contract to which section 18 of the <sup>M159</sup>Railways Act 1993 applies, notwithstanding—
- (a) that such a contract can only be entered into on terms approved (with or without modification) by the [<sup>F79</sup>Office of Rail Regulation] and pursuant to directions given by the [<sup>F79</sup>Office of Rail Regulation] under that section; and
  - (b) that the terms of the contract may confer on the [<sup>F79</sup>Office of Rail Regulation] powers to determine the manner in which London Regional Transport is to exercise its functions in relation to the contract.
- (2) The duties imposed on London Regional Transport by sections 2 and 8 of this Act accordingly also have effect subject, as respects the power conferred by subsection (1) above, to the powers of the [<sup>F79</sup>Office of Rail Regulation] under section 18 of the <sup>M160</sup>Railways Act 1993.”
- (4) In section 4 of the <sup>M161</sup>Railways Act 1993 (general duties of the Secretary of State and the [<sup>F79</sup>Office of Rail Regulation] ) in subsection (5) (which imposes additional duties on the [<sup>F79</sup>Office of Rail Regulation] ) the word and immediately preceding paragraph (c) shall be omitted and at the end of that paragraph there shall be added “; and
- (d) to have regard to the ability of the Mayor of London, London Regional Transport and Transport for London to carry out the functions conferred or imposed on them by or under any enactment”.

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**Textual Amendments**

**F79** Words in s. 200 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(q\)](#); S.I. 2004/827, art. 4(g)

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**Marginal Citations**

**M156** 1993 c. 43.

**M157** 1993 c. 43.

**M158** 1984 c. 32.

**M159** 1993 c. 43.

**M160** 1993 c. 43.

**M161** 1993 c. 43.



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## 201 Transport for London: contracts requiring passenger licences.

- (1) Transport for London may not by virtue of any provision of this Act or any other enactment enter into or carry out any agreement with respect to the provision or retention, or financing, of public passenger transport services if the agreement—
  - (a) is one which involves the holding of a passenger licence; and
  - (b) is not an excepted agreement.
- (2) An agreement involves the holding of a passenger licence for the purposes of this section if it involves the doing by any person, whether or not a party to the agreement, of anything which, by virtue of section 6 of the <sup>M162</sup>Railways Act 1993 (prohibition on unauthorised operators of railway assets), that person may not do without the authorisation of a passenger licence.
- (3) An agreement is an excepted agreement for the purposes of this section if it is—
  - (a) an agreement with respect to the provision or retention, or financing, of regular scheduled railway passenger services operated by a London transport body;
  - (b) an agreement with respect to the provision or retention, or financing, of regular scheduled railway passenger services operated by a person other than a London transport body on track used for the provision of regular scheduled railway passenger services operated by a London transport body (whether or not the track is also used for other purposes);
  - (c) an agreement with the [<sup>F80</sup>Strategic Rail Authority]; or
  - (d) an agreement under section 177 above, other than one falling within subsection (4) below.
- (4) An agreement falls within this subsection if, in pursuance of the agreement, Transport for London or a subsidiary of Transport for London is to enter into a further agreement which involves the holding of a passenger licence.
- (5) In this section London transport body means—
  - (a) London Regional Transport;
  - (b) Transport for London; or
  - (c) a subsidiary of London Regional Transport or Transport for London;
 and, subject to that, expressions used in this section and in Part I of the <sup>M163</sup>Railways Act 1993 have the same meaning in this section as in that Part.

### Textual Amendments

**F80** Words in s. 201(3)(c) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 64**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

### Marginal Citations

**M162** 1993 c. 43.

**M163** 1993 c. 43.

## 202 Authority and Transport for London not to be railway franchisees.

- (1) Section 25(1) of the <sup>M164</sup>Railways Act 1993 (which prevents public sector operators, as defined in the paragraphs of that subsection, from being franchisees) shall be amended as follows.

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- (2) After paragraph (b) there shall be inserted—
- “(bb) the Greater London Authority;
  - (bc) Transport for London;”.
- (3) In paragraph (d) (bodies corporate whose members are appointed by certain other bodies or persons) after a local authority there shall be inserted “, the Greater London Authority, Transport for London”.

#### Marginal Citations

M164 1993 c. 43.

### Closures

#### 203 [F81 Strategic Rail Authority] to give copy documents to Mayor.

In section 43(1) of the <sup>M165</sup>Railways Act 1993 (which requires the [F81 Strategic Rail Authority] to give a copy of any notice of closure etc to the Rail Regulator) after Regulator there shall be inserted “, to the Mayor of London if the whole or any part of the area affected by the closure is in Greater London, ”.

#### Textual Amendments

**F81** Words in s. 203 and sidenote substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 65**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

#### Marginal Citations

M165 1993 c. 43.

#### 204 Procedure for closure of certain railway passenger services.

- (1) The <sup>M166</sup>Railways Act 1993 shall have effect as if any railway passenger services provided under or by virtue of this Act by Transport for London or a subsidiary of Transport for London (in relation to which section 37 of that Act does not have effect, in consequence of amendments made by section 198 above) were designated by order under section 49(3) of that Act as railway passenger services in relation to which Schedule 5 to that Act (alternative closure procedure) is to have effect.
- (2) Schedule 5 to the <sup>M167</sup>Railways Act 1993 shall be amended as follows.
- (3) After paragraph 5 there shall be inserted—

##### “5A Qualifying services in and around Greater London

- (1) This paragraph applies to any qualifying services—
- (a) which are provided by Transport for London or a subsidiary of Transport for London; or
  - (b) which do not fall within paragraph (a) above but—
    - (i) are provided wholly within Greater London; and

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- (ii) 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 London services.
- (2) In the application of the other paragraphs of this Schedule in relation to qualifying London services, for any reference to the Secretary of State there shall be substituted a reference to the Mayor of London.
- (3) Where the Mayor of London has given consent under paragraph 3(2)(b) above in respect of services provided wholly or partly outside Greater London, any person aggrieved by the decision to give consent may refer that decision to the Secretary of State.
- (4) A referral under sub-paragraph (3) above shall be made by giving notice to the Secretary of State.
- (5) Any notice under sub-paragraph (4) above must be given not later than 4 weeks after the date of the decision referred.
- (6) On a reference under sub-paragraph (3) above, the Secretary of State may—
- (a) confirm the decision to give consent;
  - (b) in the case of a decision to give consent subject to conditions, confirm the decision to give consent but modify the conditions; or
  - (c) substitute his decision for that of the Mayor of London.
- (7) Any person who refers a decision to the Secretary of State under sub-paragraph (3) above shall provide, with his notice under sub-paragraph (4) above, a statement of the reasons why he is aggrieved by the decision.
- (8) On disposing of any reference under sub-paragraph (3) above, the Secretary of State shall give notice of his decision to—
- (a) the Mayor of London;
  - (b) the appropriate consultative committee;
  - (c) the operator concerned; and
  - (d) the person who referred the decision to the Secretary of State under sub-paragraph (3) above (if not falling within paragraphs (a) to (c) above).
- (9) Before the expiration of the period of six weeks following the making of his decision on a reference under sub-paragraph (3) above, the Secretary of State shall publish notice of his decision—
- (a) in two successive weeks in two local newspapers circulating in the area affected; and
  - (b) in such other manner as appears to him appropriate.”

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**Marginal Citations**

M166 1993 c. 43.

M167 1993 c. 43.

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### Miscellaneous

#### 205 Amendment of franchise agreements to take account of the Authority.

- (1) Any franchise agreement entered into under Part I of the <sup>M168</sup>Railways Act 1993 before the day on which this Act is passed shall have effect on and after that day with the following amendment.
- (2) In paragraph (a) of the definition of Local Authority in the agreement, after in England, there shall be inserted “ the Greater London Authority, Transport for London, ”.

#### Marginal Citations

M168 1993 c. 43.

#### 206 Secretary of State to consult Mayor before changing amount of penalty fare.

- (1) Section 130 of the <sup>M169</sup>Railways Act 1993 (penalty fares) shall be amended as follows.
- (2) After subsection (9) there shall be inserted—
  - “(9A) Before making any regulations which have the effect of varying the amount, or the greatest amount, which a person within, or travelling to or from, Greater London may be charged by way of penalty fare, the Secretary of State must consult the Mayor of London.”

#### Marginal Citations

M169 1993 c. 43.

#### 207 Restrictions on contracting out certain services.

- (1) For the purposes of this section, the services which are reserved services are those whose provision by a person would involve that person in performing or securing the performance, for the purposes of any TfL passenger rail service, of—
  - (a) any station-operating function; or
  - (b) any train-operating function.
- (2) Transport for London shall not, without the consent of the Secretary of State, enter into or carry out any agreement under which an outside contractor is to provide or secure the provision of a reserved service for Transport for London or a subsidiary of Transport for London.
- (3) Where a company which is a subsidiary of Transport for London provides or is to provide, or secures or is to secure the provision of, a reserved service for Transport for London or a subsidiary of Transport for London, Transport for London shall not, without the consent of the Secretary of State, enter into any transaction or series of transactions the result of which would be that the company—
  - (a) would cease to be a subsidiary of Transport for London; but
  - (b) would nevertheless provide or continue to provide, or secure or continue to secure the provision of, the reserved service.

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- (4) Nothing in this section applies in relation to a contract of employment between an individual and Transport for London or a subsidiary of Transport for London.
- (5) The Secretary of State may by order provide exceptions from subsection (2) or (3) above.
- (6) Any consent of the Secretary of State under this section must be in writing and—
- (a) may be given in relation to any particular transaction or description of transactions; and
  - (b) may be given subject to conditions.
- (7) For the purposes of this section—
- station-operating function means any of the following functions—
- (a) the sale or collection of tickets at stations;
  - (b) the inspection of tickets, or the imposing of penalty fares, at or in the vicinity of a station, but otherwise than on a train;
  - (c) the making of oral public announcements at stations;
  - (d) the provision of information orally to members of the public at stations, otherwise than by means of public announcements;
  - (e) any duties of staff employed on platforms at stations;
  - (f) <sup>F82</sup> ...
  - (g) any other function involved in the management or operation of a station;
- train-operating function means any of the following functions—
- (a) the driving of passenger trains otherwise than within a depot;
  - (b) any duties of guards on passenger trains;
  - (c) the sale, collection or inspection of tickets, or the imposing of penalty fares, on passenger trains;
  - (d) the operation of signals for controlling the movement of passenger trains otherwise than within a depot;
  - (e) the exercise of control over the movement of passenger trains otherwise than within a depot;
  - (f) any other function involved in the operation of passenger trains otherwise than within a depot.
- (8) In this section—
- contract of employment means any contract of service or apprenticeship;
- outside contractor means a person other than Transport for London or a subsidiary of Transport for London;
- passenger train means a train which is being, has just been, or is about to be, used for the provision of a TfL passenger rail service;
- premises includes any land, building or structure;
- railway has the meaning given in section 67(1) of the <sup>M170</sup>Transport and Works Act 1992;
- reserved service shall be construed in accordance with subsection (1) above;
- station means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt,

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cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

TfL passenger rail service means any public service for the carriage of passengers by railway which is under the control of Transport for London or a subsidiary of Transport for London;

ticket includes any other authority to travel or to be present in a part of a station where such an authority is required.

- (9) The Secretary of State may by order amend this section for the purpose of varying the meaning in this section of any of the following expressions—
- (a) train-operating function;
  - (b) station-operating function;
  - (c) outside contractor; or
  - (d) TfL passenger rail service.

#### Textual Amendments

**F82** Words in s. 207(7) omitted (15.7.2003) by virtue of [The Transport for London \(Reserved Services\) \(London Underground Limited\) Exception Order 2003 \(S.I. 2003/1613\)](#), arts. 1, 4

#### Modifications etc. (not altering text)

**C57** S. 207(2) excluded (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, **48(5)**

#### Commencement Information

**I41** S.207 partly in force: s.207 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2)

#### Marginal Citations

**M170** 1992 c. 42.

### *Docklands Light Railway and Croydon Tramlink*

#### **208 Docklands Light Railway.**

- (1) Section 3 of the <sup>M171</sup>London Docklands Railway (Lewisham) (No. 2) Act 1993 (transfer of functions relating to the Docklands Light Railway) shall be amended in accordance with subsections (2) to (7) below.
- (2) In subsection (1) (which confers a power on the Secretary of State to make orders transferring functions relating to the Docklands Light Railway) for Secretary of State there shall be substituted “ Mayor of London ”.
- (3) Subsection (3) (which confers a power to specify in a transfer order circumstances in which the order shall cease to have effect) shall cease to have effect.
- (4) After subsection (3) there shall be inserted—
  - “(3A) The power to make a transfer order under subsection (1) above includes a power to revoke, amend or re-enact any transfer order made under that subsection.

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- (3B) Without prejudice to subsection (3A) above, a transfer order may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in any such order.”
- (5) In subsection (4) (which confers a power to include in a transfer order supplementary etc provision) for Secretary of State there shall be substituted “ Mayor of London. ”
- (6) Subsection (6) (which provides that the power to make a transfer order is to be exercisable by statutory instrument) shall cease to have effect.
- (7) After subsection (6) there shall be inserted—
- “(7) The Mayor of London shall secure that any transfer order made under subsection (1) 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 subsection (7) above.”
- (8) Any transfer order—
- (a) made by the Secretary of State under section 3(1) of the <sup>M172</sup>London Docklands Railway (Lewisham) (No. 2) Act 1993, and
- (b) in force immediately before the coming into force of subsection (3) above, shall have effect as from the coming into force of that subsection as if it were a transfer order made by the Mayor of London.

**Marginal Citations**

M171 1993 c. viii.  
M172 1993 c. viii.

**209 The Croydon Tramlink.**

- (1) The <sup>M173</sup>Croydon Tramlink Act 1994 shall be amended in accordance with subsections (2) to [<sup>F83</sup>(10)] below.
- (2) In section 9(3) (consent to be obtained for the alteration of the level of a street) in paragraph (b) (which provides for disputes over the giving of consent to be determined by the Secretary of State) for Secretary of State there shall be substituted “ Mayor of London ”.
- (3) In section 50 (transfer of functions relating to the Croydon Tramlink) in subsection (1) (which confers a power on the Secretary of State to make orders transferring functions relating to the Croydon Tramlink) for Secretary of State there shall be substituted “ Mayor of London ”.
- (4) Subsection (3) of that section (which confers a power to specify in a transfer order circumstances in which the order shall cease to have effect) shall cease to have effect.
- (5) After subsection (3) of that section there shall be inserted—
- “(3A) The power to make a transfer order under subsection (1) above includes a power to revoke, amend or re-enact any transfer order made under that subsection.

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- (3B) Without prejudice to subsection (3A) above, a transfer order may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in any such order.”
- (6) In subsection (4) of that section (which confers a power to include in a transfer order supplementary etc provision) for Secretary of State there shall be substituted “ Mayor of London ”.
- (7) In subsection (7) (duty of London Regional Passengers’ Committee to consider etc matters referred to them)—
- (a) in paragraph (b) (references by the Secretary of State) for by the Secretary of State there shall be substituted “ by Transport for London, by the Greater London Authority (acting by the Mayor of London) ”;
  - (b) in the words following paragraph (c) (persons to whom minutes etc are to be sent) for the Secretary of State,, where first occurring, there shall be substituted “ the Mayor of London, the London Assembly, Transport for London, ”; and
  - (c) the words from and to such person onwards shall cease to have effect.
- (8) Subsection (9) of that section (which provides that the power to make a transfer order is to be exercisable by statutory instrument) shall cease to have effect.
- (9) After subsection (9) of that section there shall be inserted—
- “(9A) The Mayor of London shall secure that any transfer order made under subsection (1) above (and any order revoking, amending or re-enacting any such order) is printed and published.
- (9B) A fee may be charged for the sale of an order printed and published under subsection (9A) above.”
- (10) In subsection (11) of that section (interpretation) for London Regional Passengers’ Committee there shall be substituted “ London Transport Users’ Committee ”.
- (11) Any transfer order—
- (a) made by the Secretary of State under section 50(1) of the <sup>M174</sup>Croydon Tramlink Act 1994, and
  - (b) in force immediately before the coming into force of subsection (3) above, shall have effect as from the coming into force of that subsection as if it were a transfer order made by the Mayor of London.

#### Textual Amendments

**F83** Word in s. 209(1) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 59**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

#### Marginal Citations

**M173** 1994 c. xi.

**M174** 1994 c. xi.



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## CHAPTER VII

### PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

#### *Introductory*

#### **210 PPP agreements.**

- (1) For the purposes of this Chapter a public-private partnership agreement (referred to as a PPP agreement) is a contract in the case of which the conditions set out in the following provisions of this section are satisfied.
- (2) At least one of the parties to the contract must be a relevant body for the purposes of this Chapter, that is to say—
  - (a) London Regional Transport;
  - (b) Transport for London; or
  - (c) a subsidiary of London Regional Transport or Transport for London.
- (3) The contract must be one which involves—
  - (a) the provision, construction, renewal, or improvement, and
  - (b) the maintenance,of a railway or proposed railway and, if or to the extent that the contract so provides, of any stations, rolling stock or depots used or to be used in connection with that railway.
- (4) The railway or proposed railway must be one which—
  - (a) belongs or will belong to, or to a subsidiary of, London Regional Transport or Transport for London, or
  - (b) is being provided, constructed, renewed or improved under the contract for, or for a subsidiary of, London Regional Transport or Transport for London.
- (5) If a party who undertakes to carry out or secure the carrying out of any or all of the work mentioned in subsection (3) above (a PPP company) is a public sector operator at the time when the contract is made, that party must no longer be a public sector operator on the day following the expiration of the period of six weeks beginning with the day on which the condition in subsection (6) below is satisfied.
- (6) The contract must be one which is, or is of a description which is, designated as a PPP agreement.

#### **211 Public sector operators.**

- (1) In this Chapter public sector operator means—
  - (a) any Minister of the Crown, government department or other emanation of the Crown;
  - (b) any local authority;
  - (c) any metropolitan county passenger transport authority;
  - (d) any body corporate whose members are appointed by a Minister of the Crown, a government department, a local authority or a metropolitan county passenger transport authority or by a body corporate whose members are so appointed;
  - (e) a company—

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- (i) a majority of whose issued shares are held by or on behalf of any of the bodies or persons falling within paragraphs (a) to (d) above;
  - (ii) in which the majority of the voting rights are held by or on behalf of any of those bodies or persons;
  - (iii) a majority of whose board of directors can be appointed or removed by any of those bodies or persons; or
  - (iv) in which the majority of the voting rights are controlled by any of those bodies or persons, pursuant to an agreement with other persons;
  - (f) a subsidiary of a company falling within paragraph (e) above.
- (2) Expressions used in sub-paragraphs (i) to (iv) of subsection (1)(e) above and in section 736 of the <sup>M175</sup>Companies Act 1985 have the same meaning in those sub-paragraphs as they have in that section.

**Marginal Citations**

M175 1985 c. 6.

**212 PPP designations.**

- (1) Any designation for the purposes of subsection (6) of section 210 above (a PPP designation) must be made in a direction issued by the appropriate authority.
- (2) A PPP designation must—
  - (a) describe the subject matter of the contracts to which it relates;
  - (b) describe the parties to those contracts; and
  - (c) if made before one or more of those contracts has been entered into, state a time by which a contract must have been entered into if it is to be a PPP agreement by virtue of the designation.
- (3) The time stated pursuant to paragraph (c) of subsection (2) above must not be later than three months after the date of the direction containing the designation.
- (4) A PPP designation may be made before or after the making of any contract to which it relates.
- (5) A contract shall not be a PPP agreement by virtue of a PPP designation made after the making of the contract, except with the consent of the parties to the contract.
- (6) For the purposes of subsection (1) above the appropriate authority means—
  - (a) as respects any direction issued before the transfer date, the Secretary of State; and
  - (b) as respects any direction issued on or after that date, the Mayor.

*Key system assets*

**213 Key system assets.**

- (1) In this Chapter, key system assets means—

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- (a) any property, rights or liabilities which are, or are of a description, designated by a relevant body as key system assets in a PPP agreement as originally made; and
- (b) any property, rights or liabilities which are designated, or are of a description designated, by a relevant body after the making of a PPP agreement as key system assets in accordance with the terms of, or by an amendment made to, the PPP agreement,

but does not include any property, rights or liabilities which, in accordance with the terms of, or by an amendment made to, the PPP agreement, have for the time being ceased to be designated as key system assets.

- (2) No rights or liabilities under contracts of employment shall be designated as key system assets.

## **214 Register of key system assets.**

- (1) The relevant authority shall keep a register of all key system assets for the time being, except as provided by subsection (3) below.
- (2) The register shall state—
  - (a) the date on which any designation of a particular key system asset, or of a description of key system assets, was made; and
  - (b) sufficient details of any particular key system asset, or any description of key system assets, designated as such to enable the key system assets to be identified.
- (3) The register need not contain an entry in respect of any particular key system asset or description of key system assets if the relevant authority, with the consent of the PPP company concerned, keeps the requisite copy documents available for inspection by the public at all reasonable hours free of charge.
- (4) For the purposes of this section the requisite copy documents, in the case of any particular key system asset or description of key system assets, are copies of—
  - (a) the document which contains the designation under paragraph (a) or (b) of section 213(1) above, and
  - (b) such other documents (if any) as may be necessary to disclose the information which would (apart from subsection (3) above) be required to be stated in the register,or of such extracts from those documents as disclose the designation or, as the case may be, the information concerned.
- (5) The register shall be available for inspection by the public free of charge at all reasonable hours.
- (6) A person inspecting the register, or any requisite copy documents available for inspection under subsection (3) above, may make copies of, or of extracts from, the register or requisite copy documents.

## **215 Related third party agreements.**

- (1) Where a PPP agreement is or has been entered into, the powers of the relevant authority include power to enter into and carry out other agreements with other persons in

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connection with the PPP agreement, whether or not there is any term in the PPP agreement relating to such other agreements.

- (2) Where—
- (a) a PPP agreement is or has been entered into, and
  - (b) the PPP company or the relevant authority, or a subsidiary of the PPP company or relevant authority, enters into arrangements with another person (a PPP related third party)—
    - (i) which do not constitute a PPP agreement, but
    - (ii) which involve the provision of property or rights for use for the purposes of or otherwise in connection with the PPP agreement,
 subsection (3) below applies.
- (3) Where this subsection applies, the relevant authority, or a subsidiary of the relevant authority, may enter into an agreement with the PPP related third party for the purpose of enabling the property or rights in question to be designated as, and to be, key system assets as if—
- (a) the agreement between the relevant authority or subsidiary and the PPP related third party were a PPP agreement, and
  - (b) the PPP related third party were the PPP company under that agreement.

## **216 Protection of key system assets.**

- (1) If and to the extent that key system assets are property or rights, a PPP company shall not, without the consent of the relevant authority,—
- (a) transfer or agree to transfer, or create or agree to create any security over, any of those key system assets or any interest in, or right over, any of those key system assets; or
  - (b) create or extinguish, or agree to create or extinguish, any interest in, or right over, any of those key system assets.
- (2) If and to the extent that key system assets are liabilities, a PPP company shall not, without the consent of the relevant authority, enter into any agreement under which any such liability is released or discharged or transferred to some other person.
- (3) Any transaction which is entered into in contravention of subsection (1) or (2) above shall be void.
- (4) No execution or other legal process may be commenced or continued, and no distress may be levied, against any property which is, or rights which are, key system assets.
- (5) Where a PPP agreement makes provision for or in connection with the transfer to a successor body at any time—
- (a) of any shares in a PPP company, or
  - (b) of any key system assets,
- the relevant authority shall ensure that the PPP agreement includes provision specifying, or providing for the determination of, the amounts which are to be paid in respect of those shares or key system assets.
- (6) In subsection (5) above, successor body means—
- (a) a relevant body;
  - (b) a PPP company; or

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- (c) a PPP related third party.
- (7) Any reference in this section to a PPP company or PPP related third party includes a reference to a body or person which has been or is to be such a company or party.
- (8) In this section security has the meaning given by section 248(b) of the <sup>M176</sup>Insolvency Act 1986.

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**Marginal Citations**

M176 1986 c. 45.

**217 Schemes for the transfer of key system assets.**

- (1) Transport for London may make schemes for the transfer of key system assets from any body falling within subsection (2) below to any other such body.
- (2) Those bodies are—
  - (a) Transport for London;
  - (b) any subsidiary of Transport for London;
  - (c) any PPP company;
  - (d) any PPP related third party.
- (3) A scheme under this section shall not take effect unless and until it has been approved by the Mayor.
- (4) The transfers which may be made by virtue of a scheme under this section include transfers taking effect before, on or after the expiration of the term of the PPP agreement or PPP related third party agreement by reference to which the transferor or transferee under the scheme falls within subsection (2) above.
- (5) No scheme under this section for the transfer of key system assets from or to—
  - (a) a PPP company, or
  - (b) a PPP related third party,may be made otherwise than in accordance with the terms of the PPP agreement or PPP related third party agreement by reference to which the PPP company or PPP related third party falls within subsection (2) above.
- (6) In this section—
  - (a) any reference to key system assets includes a reference to property, rights or liabilities which have been or are to be such assets; and
  - (b) any reference to a PPP company or PPP related third party includes a reference to a body or person which has been or is to be such a company or party.
- (7) Schedule 12 to this Act (which makes further provision in relation to schemes under this section) shall have effect.

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**Commencement Information**

**I42** S. 217 in force at 15.7.2003 by S.I. 2003/1920, art. 2(a)

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## Land

### 218 PPP leases.

- (1) In this Chapter PPP lease means any lease—
  - (a) which constitutes a PPP agreement;
  - (b) which is entered into in accordance with a PPP agreement; or
  - (c) which is designated as a PPP lease.
- (2) An instrument containing a PPP lease must also contain, or have endorsed upon it, a certificate—
  - (a) signed by or on behalf of the parties to the lease, and
  - (b) stating that the instrument contains a PPP lease.
- (3) Any designation for the purposes of paragraph (c) of subsection (1) above shall be made by the same person, and in the same manner, as if it were a PPP designation.
- (4) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of an agreement between a relevant body and a PPP company as to the terms on which land which is the subject of a PPP lease is provided.
- (5) Accordingly no such enactment or rule of law applies in relation to the rights and obligations of the parties to a PPP lease—
  - (a) so as to exclude or modify in any respect any of the rights and obligations of those parties under the terms of the PPP lease, whether with respect to the termination of the tenancy or any other matter;
  - (b) so as to confer or impose on any party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the PPP lease, in addition to any such right or obligation provided for by the terms of the PPP lease;
  - (c) so as to restrict the enforcement (whether by action for damages or otherwise) by any party to the PPP lease of any obligation of any other party under the PPP lease.
- (6) In this section lease includes an underlease and an agreement for a lease or underlease.

### <sup>F84</sup> 219 Land registration and PPP leases.

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#### Textual Amendments

**F84** S. 219 repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), art. 2(1)

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## Insolvency

### 220 Meaning and effect of PPP administration orders.

- (1) A PPP administration order is an order of the court made in accordance with section 221, 222 or 223 below in relation to a PPP company and directing that, during the period for which the order is in force, the affairs, business and property of the company shall be managed, by a person appointed by the court,—
  - (a) for the achievement of the purposes of such an order; and
  - (b) in a manner which protects the respective interests of the members and creditors of the company.
- (2) The purposes of a PPP administration order made in relation to any company shall be—
  - (a) the transfer to another company, or (as respects different parts of its undertaking) to two or more different companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that the relevant activities may be properly carried on; and
  - (b) the carrying on of those relevant activities pending the making of the transfer.
- (3) Schedule 14 to this Act shall have effect for applying provisions of the <sup>M177</sup>Insolvency Act 1986 where a PPP administration order is made.
- (4) Schedule 15 to this Act shall have effect for enabling provision to be made with respect to cases in which, in pursuance of a PPP administration order, another company is to carry on all or any of the relevant activities of a PPP company in place of that company.
- (5) Without prejudice to paragraph 20 of Schedule 14 to this Act, the power conferred by section 411 of the <sup>M178</sup>Insolvency Act 1986 to make rules shall apply for the purpose of giving effect to the PPP administration order provisions of this Act as it applies for the purpose of giving effect to Parts I to VII of that Act, but taking any reference in that section to those Parts as a reference to those provisions.
- (6) For the purposes of this Chapter, the relevant activities, in relation to a PPP company, are the activities carried out, or to be carried out, by that company in performing its obligations under the PPP agreement to which it is party.
- (7) In this section—
  - business and property have the same meaning as they have in the <sup>M179</sup>Insolvency Act 1986;
  - the court, in the case of any PPP company, means the court having jurisdiction to wind up the company;
  - the PPP administration order provisions of this Act means this section, sections 221 to 224 below and Schedules 14 and 15 to this Act.

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#### Commencement Information

**I43** S. 220 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

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#### Marginal Citations

**M177** 1986 c. 45.

**M178** 1986 c. 45.

**M179** 1986 c. 45.

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## 221 PPP administration orders made on special petitions.

- (1) If, on an application made to the court by petition presented by the Mayor, the court is satisfied that either or both of the grounds specified in subsection (2) below is satisfied in relation to that PPP company, the court may make a PPP administration order in relation to that company.
- (2) The grounds mentioned in subsection (1) above are, in relation to any company,—
  - (a) that the company is or is likely to be unable to pay its debts;
  - (b) that, in a case in which the Secretary of State has certified that it would be appropriate for him to petition for the winding up of the company under section 124A of the 1986 Act (petition by the Secretary of State following inspectors' report etc), it would be just and equitable, as mentioned in that section, for the company to be wound up.
- (3) Notice of any petition under this section for a PPP administration order shall be given forthwith to such persons and in such manner as may be prescribed by rules made under section 411 of the 1986 Act; and no such petition shall be withdrawn except with the leave of the court.
- (4) Subsections (4) and (5) of section 9 of the 1986 Act (powers on application for administration order) shall apply on the hearing of the petition for a PPP administration order in relation to any company as they apply on the hearing of a petition for an administration order.
- (5) Subsections (1), (2), (4) and (5) of section 10 of the 1986 Act (effect of petition) shall apply in the case of a petition for a PPP administration order in relation to any company as if—
  - (a) the reference in subsection (1) to an administration order were a reference to a PPP administration order; and
  - (b) paragraph (b) of that subsection did require the leave of the court for the taking of any of the steps mentioned in paragraphs (b) and (c) of subsection (2) (appointment of, and exercise of functions by, administrative receiver).
- (6) For the purposes of this section a company is unable to pay its debts if—
  - (a) it is a company which is deemed to be so unable under section 123 of the 1986 Act (definition of inability to pay debts); or
  - (b) it is an unregistered company, within the meaning of Part V of the 1986 Act, which is deemed, by virtue of any of sections 222 to 224 of that Act, to be so unable for the purposes of section 221 of that Act (winding up of unregistered companies).
- (7) The functions of the Mayor under this section may be exercised by Transport for London acting as his agent, and where Transport for London so acts references to the Mayor shall be construed accordingly.
- (8) In this section—
 

the 1986 Act means the <sup>M180</sup>Insolvency Act 1986;

the court has the same meaning as in section 220 above.

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### Commencement Information

**I44** S. 221 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)



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#### Marginal Citations

M180 1986 c. 45.

### 222 Restriction on making winding-up order.

- (1) Where a petition for the winding up of a PPP company is presented by a person other than the Mayor, the court shall not make a winding-up order in relation to that company on that petition unless—
  - (a) notice of the petition has been served on the Mayor; and
  - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (2) Where a petition for the winding up of a PPP company has been presented, the Mayor may, at any time before a winding-up order is made on the petition, make an application to the court for a PPP administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of a winding-up order.
- (3) Where, on a petition for the winding up of a PPP company, the court makes, or proposes to make, a PPP administration order by virtue of subsection (2) above, subsections (4) and (5) of section 9 of the <sup>M181</sup>Insolvency Act 1986 (powers on application for administration order) shall apply on the hearing of that petition as they apply on the hearing of a petition for an administration order.
- (4) In this section the court has the same meaning as in section 220 above.

#### Commencement Information

I45 S. 222 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### Marginal Citations

M181 1986 c. 45.

### 223 Restrictions on voluntary winding-up etc.

- (1) No resolution for voluntary winding up shall be passed by a PPP company without leave of the court granted on an application made for the purpose by the company.
- (2) No such leave shall be granted unless—
  - (a) notice of the application has been served on the Mayor; and
  - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (3) Where an application for leave under subsection (1) above has been made by a PPP company, the Mayor may, at any time before leave has been granted under subsection (1) above, make an application to the court for a PPP administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of granting leave under subsection (1) above.
- (4) Where, on an application for leave under subsection (1) above, the court makes, or proposes to make, a PPP administration order by virtue of subsection (3) above, subsections (4) and (5) of section 9 of the <sup>M182</sup>Insolvency Act 1986 (powers on

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application for administration order) shall apply on the hearing of that application as they apply on the hearing of a petition for an administration order.

- (5) No administration order under Part II of the <sup>M183</sup>Insolvency Act 1986 shall be made in relation to a PPP company unless—
- (a) notice of the application for the order has been served on the Mayor; and
  - (b) a period of at least fourteen days has elapsed since the service of that notice.
- (6) Where an application for an administration order under Part II of the <sup>M184</sup>Insolvency Act 1986 has been made in the case of a PPP company, the Mayor may, at any time before such an order has been made on that application, make an application to the court for a PPP administration order in relation to that company; and where such an application is made the court may, if it is satisfied as mentioned in section 221(1) above, make a PPP administration order instead of an administration order under Part II of the <sup>M185</sup>Insolvency Act 1986.
- (7) No step shall be taken by any person to enforce any security over a PPP company's property, except where that person has served fourteen days' notice of his intention to take that step on the Mayor.
- (8) In this section—
- the court has the same meaning as in section 220 above;
  - resolution for voluntary winding up has the same meaning as in the <sup>M186</sup>Insolvency Act 1986;
  - security and property have the same meaning as in the <sup>M187</sup>Insolvency Act 1986.

#### Commencement Information

**I46** S. 223 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### Marginal Citations

**M182** 1986 c. 45.  
**M183** 1986 c. 45.  
**M184** 1986 c. 45.  
**M185** 1986 c. 45.  
**M186** 1986 c. 45.  
**M187** 1986 c. 45.

## 224 Meaning of company and application of provisions to unregistered, foreign and other companies.

- (1) In the PPP administration order provisions of this Act—
- company means—
  - (a) any company formed and registered under the <sup>M188</sup>Companies Act 1985 or any existing company within the meaning given in section 735(1) of that Act; and
  - (b) any unregistered company; and
- unregistered company has the meaning given in Part V of the 1986 Act.
- (2) In the application of section 220(1) above in a case where the PPP company there mentioned is a foreign company, the reference to the affairs, business and property of

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the company shall be taken as a reference to the affairs and business of the company, so far as carried on in Great Britain, and the property of the company within Great Britain.

- (3) In the application of section 9(5) of the 1986 Act by virtue of subsection (4) of section 221 above or subsection (3) of section 222 above where the petition mentioned in the subsection in question relates to a company which is a foreign company, the reference to restricting the exercise of any powers of the directors or of the company shall be taken as a reference to restricting—
- (a) the exercise within Great Britain of the powers of the directors or of the company; or
  - (b) any exercise of those powers so far as relating to the affairs, business or property of the company in Great Britain.
- (4) In the application of provisions in section 10 of the 1986 Act by virtue of subsection (5) of section 221 above where the company mentioned in that subsection is a foreign company—
- (a) paragraph (a) of subsection (1) shall be omitted;
  - (b) any reference in paragraph (b) or (c) of that subsection 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;
  - (c) in paragraph (c) of that subsection—
    - (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
  - (d) any reference in subsection (2) to an administrative receiver shall be taken to include a reference to any person performing, in relation to the foreign company, functions equivalent to those of an administrative receiver, within the meaning of section 251 of the 1986 Act.
- (5) Subsections (1) to (4) of section 223 above shall not have effect in relation to a PPP company which is a foreign company.
- (6) In the application of subsection (7) of that section where the PPP company there mentioned is a foreign company, the reference to the company's property shall be taken as a reference to such of its property as is for the time being situated in Great Britain.
- (7) In this section—
- the 1986 Act means the <sup>M189</sup>Insolvency Act 1986;
  - foreign company means a company incorporated outside Great Britain;
  - the PPP administration order provisions of this Act means sections 220 to 223 above, this section and Schedules 14 and 15 to this Act.

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**Commencement Information**

**I47** S. 224 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

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**Marginal Citations**

**M188** 1985 c. 6.

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**M189** 1986 c. 45.

### *The PPP arbiter*

#### **225 The PPP arbiter.**

- (1) The Secretary of State may appoint a person to an office to be known as the Public-Private Partnership Agreement Arbiter (in this Chapter referred to as the PPP arbiter).
- (2) The PPP arbiter shall have the functions conferred or imposed on him by or under this Act.
- (3) The PPP arbiter shall be a corporation sole by the name of the Public-Private Partnership Agreement Arbiter.
- (4) If at any time no person holds the office of PPP arbiter, the Secretary of State shall appoint a person to that office if requested in writing to do so by a party to a PPP agreement.
- (5) A request under subsection (4) above must not include a request for a particular person to be appointed.
- (6) Before making an appointment under subsection (1) or (4) above, the Secretary of State shall consult such persons as he considers appropriate concerning—
  - (a) the person to be appointed; and
  - (b) the terms of the appointment.
- (7) The office of PPP arbiter may not be held by—
  - (a) the Mayor;
  - (b) an Assembly member;
  - (c) the Authority or a member of staff of the Authority;
  - (d) Transport for London or a subsidiary of Transport for London;
  - (e) a member of Transport for London or a director of a subsidiary of Transport for London;
  - (f) a member of staff of Transport for London or of a subsidiary of Transport for London; or
  - (g) a director or employee of a PPP company or of a subsidiary of a PPP company or of a company of which a PPP company is a subsidiary.

#### **226 Terms of appointment.**

- (1) A person appointed to be the PPP arbiter shall be appointed for such term as may be specified or described in the instrument appointing him and shall hold and vacate office as the PPP arbiter in accordance with the terms of his appointment.
- (2) There shall be paid to the PPP arbiter such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (3) There shall be paid such pension, allowance or gratuity to or in respect of the PPP arbiter, or such contributions or payments towards provision for such a pension, allowance or gratuity, as the Secretary of State may determine.

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- (4) A person may resign from office as the PPP arbiter at any time by giving notice to the Secretary of State.
- (5) The Secretary of State may remove a person from office as the PPP arbiter—
  - (a) on the ground of incapacity or misbehaviour; or
  - (b) where the Secretary of State considers that there has been unreasonable delay in the discharge of the functions of the PPP arbiter.

## 227 Staff.

- (1) The PPP arbiter may appoint such staff as he may determine, subject to any restrictions contained in the terms of his appointment.
- (2) The staff of the PPP arbiter shall be appointed on such terms and conditions as he shall determine, subject to any restrictions contained in the terms of his appointment.
- (3) Any function of the PPP arbiter may be exercised by any member of his staff authorised for the purpose by him or, if there is no person who holds the office of PPP arbiter, by the Secretary of State whether specially or generally.

## 228 Same person as PPP arbiter and Rail Regulator: duties of staff.

- [<sup>F85</sup>(1) Subsections (2) and (3) shall apply while a member of the Office of Rail Regulation holds the office of PPP arbiter.]
- (2) Where this subsection applies, any member of the [<sup>F86</sup>Office of Rail Regulation]'s staff may (in addition to discharging duties of that employment) be required also to discharge duties as if he were a member of the PPP arbiter's staff of similar status.
- (3) Where this subsection applies, any member of the PPP arbiter's staff may (in addition to discharging duties of that employment) be required also to discharge duties as if he were a member of the [<sup>F87</sup>Office of Rail Regulation]'s staff of similar status.
- (4) Subsections (2) and (3) above apply notwithstanding anything in the terms or conditions of employment of the member of staff concerned.

### Textual Amendments

- F85** S. 228(1) substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 23](#); [S.I. 2004/827](#), art. 4(g)
- F86** Words in s. 228(2) substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(q\)](#); [S.I. 2004/827](#), art. 4(g)
- F87** Words in s. 228(3) substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(q\)](#); [S.I. 2004/827](#), art. 4(g)

## 229 Directions of the PPP arbiter.

- (1) A PPP agreement may provide for matters of any description specified in the agreement to be referred to the PPP arbiter.
- (2) A party to a PPP agreement may refer to the PPP arbiter for direction any matter of a description specified in a provision of that agreement by virtue of subsection (1) above.

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- (3) Where a matter is referred under this section to the PPP arbiter for direction he—
  - (a) shall give a direction in relation to that matter; and
  - (b) may give a direction in relation to any other matter which is ancillary or incidental to the matter referred.
- (4) The directions that may be given under subsection (3) above include directions relating to the inclusion of new terms in, or the variation of existing terms of, the PPP agreement in question.
- (5) The PPP arbiter shall give notice of any direction under subsection (3) above to the parties to the PPP agreement in question.
- (6) A direction under subsection (3) above shall be final and binding—
  - (a) on the parties to the PPP agreement in question, and
  - (b) on any persons claiming through or under those parties,
 and shall, if and to the extent that the notice given under subsection (5) above so provides, take effect as a term of the PPP agreement.
- (7) Where a direction has been given under subsection (3) above, the parties to the PPP agreement in question may jointly agree that subsection (6) above is not to have effect in relation to that direction.

### **230 Guidance by the PPP arbiter.**

- (1) Any matter relating to a PPP agreement may be referred to the PPP arbiter for consideration by him—
  - (a) by all the parties to the PPP agreement acting jointly, if they so agree; or
  - (b) by any party to the PPP agreement.
- (2) Where a matter is referred by virtue of subsection (1) above to the PPP arbiter for consideration he shall consider the matter and—
  - (a) if the matter was referred under paragraph (a) of that subsection, shall give to the parties who referred the matter such guidance as he considers appropriate; or
  - (b) if the matter was referred under paragraph (b) of that subsection, may give to the parties to the PPP agreement such guidance as he considers appropriate.
- (3) The guidance which may be given by the PPP arbiter by virtue of subsection (2) above includes guidance about any matter which he considers relevant to the PPP agreement in question.
- (4) Where the PPP arbiter has given any guidance under this section in relation to a matter which is subsequently referred to him for direction under subsection (3) of section 229 above, the direction which may be given by the PPP arbiter under that subsection is not restricted by that guidance.

### **231 Duty of the PPP arbiter.**

- (1) In giving in relation to a PPP agreement—
  - (a) any direction under section 229(3) above, or
  - (b) any guidance under section 230(2) above,

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the PPP arbiter shall act in the way he considers best calculated to achieve the objectives specified in subsections (2) to (5) below.

- (2) The objective specified in this subsection is to ensure that an opportunity to review and amend the requirements imposed, or proposed to be imposed, on a PPP company by or under the PPP agreement in question is afforded to the appropriate relevant body if, in the opinion of the PPP arbiter, the proper price for the performance of those requirements exceeds the resources which that relevant body has notified to the PPP arbiter that it has, or expects to have, available for the purpose.

In this subsection appropriate relevant body means a relevant body which is a party to the PPP agreement and is to pay the price under the agreement.

- (3) The objective specified in this subsection is to promote efficiency and economy—
- (a) in the provision, construction, renewal, or improvement, as the case may be, and
  - (b) in the maintenance,
- of the railway infrastructure to which the PPP agreement in question relates.
- (4) The objective specified in this subsection is to ensure that any rate of return incorporated in the PPP agreement in question would, in the opinion of the PPP arbiter, —
- (a) taking into account such matters as may be specified in the PPP agreement, and
  - (b) leaving out of account such other matters as may be so specified,
- be earned by a company which is efficient and economic in its performance of the requirements imposed on the PPP company by or under the PPP agreement.
- (5) The objective specified in this subsection is to enable any PPP company which is a party to the PPP agreement in question to plan the future performance of the agreement with reasonable certainty.
- (6) In giving any such direction or guidance as is mentioned in subsection (1) above the PPP arbiter is to take account of any factors which—
- (a) are notified to him by the parties to the PPP agreement in question, acting jointly, as factors to which he must have regard when giving the direction or guidance in question, or
  - (b) are factors specified or described in the PPP agreement in question as factors to which the PPP arbiter must have regard in giving any direction under section 229(3) above or any guidance under section 230(2) above.
- (7) For the purposes of subsection (4) above, a rate of return is incorporated in a PPP agreement if, and only if, the PPP agreement—
- (a) contains provision specifying, or for determining, the rate of return which the PPP company in question might reasonably expect to earn; and
  - (b) states that subsection (4) above is to have effect in relation to that provision.
- (8) In this section railway infrastructure means the railway or proposed railway in question and includes a reference to any stations, rolling stock or depots used or to be used in connection with that railway.

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### **232 Further powers.**

- (1) For the purposes of the proper discharge of the functions conferred or imposed on him by or under this Act, the PPP arbiter may—
  - (a) carry out inspections of such of the railway infrastructure or equipment belonging to, or under the control of, any party to a PPP agreement as he considers appropriate;
  - (b) consult such bodies or persons as he considers appropriate in relation to any direction or guidance given or proposed to be given by him;
  - (c) do all such things as he considers appropriate for or in connection with the giving of a direction under section 229(3) above or guidance under section 230(2) above; and
  - (d) do such other things as he considers necessary or expedient.
- (2) The powers conferred on the PPP arbiter by this section and section 233 below are exercisable for purposes preparatory or ancillary to the giving of directions or guidance under this Chapter generally and notwithstanding that there is no matter in relation to which a direction under section 229(3) above, or guidance under section 230(2) above, is required.
- (3) In this section railway infrastructure has the same meaning as in section 231 above.

### **233 Provision of information to the PPP arbiter.**

- (1) Any person falling within subsection (2) below shall, at the request of the PPP arbiter, provide him with such information as the PPP arbiter considers relevant to the proper discharge of the functions conferred or imposed on him by or under this Act and as may be specified or described in the request.
- (2) The persons who fall within this subsection are—
  - (a) any party to a PPP agreement;
  - (b) any associate of a party to a PPP agreement; and
  - (c) any PPP related third party.
- (3) The information shall be provided in such form and manner, and within such time, as may be specified in the request.
- (4) A person is not obliged by virtue of this section to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- (5) For the purposes of subsection (2)(b) above, associate, in relation to a party to a PPP agreement, means—
  - (a) a parent undertaking of that party;
  - (b) a subsidiary undertaking of any parent undertaking of that party;
  - (c) a subsidiary undertaking of that party; or
  - (d) an undertaking in which that party, or any undertaking falling within paragraphs (a) to (c) above, has a participating interest.
- (6) For the purposes of subsection (5) above—
 

parent undertaking and subsidiary undertaking shall be construed in accordance with section 258 of the <sup>M190</sup>Companies Act 1985;

undertaking has the meaning given by section 259 of that Act; and



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participating interest has the meaning given by section 260 of that Act.

**Marginal Citations**

M190 1985 c. 6.

**234 Failure to provide information to PPP arbiter.**

- (1) If a person fails to comply with a request under section 233(1) above, the PPP arbiter may serve a notice on that person requiring him—
- (a) to produce to the PPP arbiter, 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 the PPP arbiter, 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.
- (2) No person shall be required under this section—
- (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.
- (3) A person who intentionally alters, suppresses or destroys any document which he has been required to produce by a notice under subsection (1) 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.
- (4) If a person makes default in complying with a notice under subsection (1) above, the court may, on the application of the PPP arbiter, make such order as the court thinks fit for requiring the default to be made good.
- (5) 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.
- (6) In this section—
- (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.
- (7) In this section the court means the High Court.

**235 Restrictions on disclosure of information.**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—

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- (a) has been obtained by the PPP arbiter under or by virtue of any of the provisions of this Chapter, and
  - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, the Mayor of London, Transport for London or the PPP arbiter of any of his or, as the case may be, its functions under this Act;
  - (b) for the purpose of facilitating the carrying out by the Secretary of State, the [<sup>F88</sup>Office of Rail Regulation] , the [<sup>F89</sup>Strategic Rail Authority], the Competition Commission or the Mayor of any of his or, as the case may be, its functions under the <sup>M191</sup>Railways Act 1993;
  - (c) for the purpose of facilitating the carrying out by—
    - (i) any Minister of the Crown,
    - [<sup>F90</sup>(ii) the Office of Fair Trading,]
    - (iii) the Competition Commission,
    - [<sup>F91</sup>(iv) the Office of Communications,]
    - (v) the Director General of Gas Supply,
    - (vi) the Director General of Water Supply,
    - (vii) the Director General of Electricity Supply,
    - (viii) the Civil Aviation Authority,
    - (ix) the Insolvency Practitioners Tribunal, or
    - (x) a local weights and measures authority in Great Britain,
 of any of his or, as the case may be, its functions under any of the enactments or instruments specified in subsection (3) below;
  - (d) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the <sup>M192</sup>Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency or for the purpose of enabling or assisting any inspector appointed under the enactments relating to companies to carry out his functions;
  - (e) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M193</sup>Insolvency Act 1986 to carry out its functions as such;
  - (f) for the purpose of facilitating the carrying out by the Health and Safety Commission or the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the <sup>M194</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
  - (g) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
  - (h) for the purpose of facilitating the carrying out by the International [<sup>F88</sup>Office of Rail Regulation] of any of his functions under any subordinate legislation made for the purpose of implementing—

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- (i) the Directive of the Council of the European Communities dated 29th July 1991 on the development of the Community’s railways; or
  - (ii) Council Directive [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees;
  - (j) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (k) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments or instruments specified in subsection (3) below; or
  - (l) in pursuance of a Community obligation.
- (3) The enactments and instruments referred to in subsection (2) above are—
- (a) the <sup>M195</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M196</sup>Fair Trading Act 1973;
  - (c) the <sup>M197</sup>Consumer Credit Act 1974;
  - <sup>F92</sup>(d) .....
  - <sup>F92</sup>(e) .....
  - (f) the <sup>M198</sup>Estate Agents Act 1979;
  - (g) the <sup>M199</sup>Competition Act 1980;
  - (h) the <sup>M200</sup>Telecommunications Act 1984;
  - (j) the <sup>M201</sup>Airports Act 1986;
  - (k) the <sup>M202</sup>Gas Act 1986;
  - (l) the <sup>M203</sup>Insolvency Act 1986;
  - (m) the <sup>M204</sup>Consumer Protection Act 1987;
  - (n) the <sup>M205</sup>Electricity Act 1989;
  - (o) the <sup>M206</sup>Property Misdescriptions Act 1991;
  - (p) the <sup>M207</sup>Water Industry Act 1991;
  - (q) the <sup>M208</sup>Water Resources Act 1991;
  - (r) the <sup>M209</sup>Railways Act 1993;
  - <sup>F93</sup>(rr) the Competition Act 1998]
  - <sup>F94</sup>(rs) the Enterprise Act 2002;]
  - <sup>F95</sup>(rt) the Communications Act 2003;]
  - (s) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities dated 10th September 1984 on the <sup>M210</sup>approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
- (4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.
- (5) The prohibition imposed by subsection (1) above shall be enforceable by civil proceedings—
- (a) by the individual mentioned in that subsection, or
  - (b) by the person for the time being carrying on the business there mentioned, for an injunction or for any other appropriate relief or remedy.

<sup>F96</sup>(6) .....

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### Textual Amendments

- F88** Words in s. 235 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 2 para. 19\(q\)](#); [S.I. 2004/827](#), [art. 4\(g\)](#)
- F89** Words in s. 235(2)(b) substituted (1.2.2001) by [2000 c. 38](#), s. 215(1), [Sch. 16 para. 66\(1\)\(2\)](#); [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#)) (which [S.I.](#) is amended by [S.I. 2001/115](#), [art. 2\(2\)](#))
- F90** S. 235(2)(c)(ii) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 39\(2\)\(a\)](#); [S.I. 2003/766](#), [art. 2](#), [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F91** S. 235(2)(c)(iv) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 157\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F92** S. 235(3)(d)(e) repealed (1.3.2000) by [S.I. 2000/311](#), [art. 35\(2\)\(a\)](#)
- F93** S. 235(3)(rr) inserted (1.3.2000) by [S.I. 2000/311](#), [art. 35\(2\)\(b\)](#)
- F94** S. 235(3)(rs) inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 39\(2\)\(b\)](#); [S.I. 2003/766](#), [art. 2](#), [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F95** S. 235(3)(rt) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 157\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F96** S. 235(6) repealed (1.2.2001) by [2000 c. 38](#), ss. 215(1), 274, [Sch. 16 para. 66\(1\)\(3\)](#), [Sch. 31 Pt. IV](#); [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#)) (which [S.I.](#) is amended by [S.I. 2001/115](#), [art. 2\(2\)](#))

### Commencement Information

- I48** S. 235 wholly in force at 12.1.2000: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 235 in force at 12.1.2000 by [S.I. 1999/3434](#), [art. 2](#)

### Marginal Citations

- M191** 1993 c. 43.  
**M192** 1986 c. 60.  
**M193** 1986 c. 45.  
**M194** 1974 c. 37.  
**M195** 1968 c. 29.  
**M196** 1973 c. 41.  
**M197** 1974 c. 39.  
**M198** 1979 c. 38.  
**M199** 1980 c. 21.  
**M200** 1984 c. 12.  
**M201** 1986 c. 31.  
**M202** 1986 c. 44.  
**M203** 1986 c. 45.  
**M204** 1987 c. 43.  
**M205** 1989 c. 29.  
**M206** 1991 c. 29.  
**M207** 1991 c. 56.  
**M208** 1991 c. 57.  
**M209** 1993 c. 43.  
**M210** 84/450/EEC

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### **236 Immunity.**

- (1) The PPP arbiter is not liable for anything done or omitted in the discharge or purported discharge of his functions as the PPP arbiter unless the act or omission is shown to have been in bad faith.
- (2) Subsection (1) above applies to a member of the staff of, or an agent of, the PPP arbiter as it applies to the PPP arbiter.

### **237 Expenses.**

- (1) The following expenses, namely—
  - (a) any sums payable by virtue of section 226(2) or (3) above, and
  - (b) any expenses duly incurred by the PPP arbiter or by any staff of the PPP arbiter,shall be defrayed by the Secretary of State.
- (2) A relevant body which is a party to a PPP agreement shall pay to the Secretary of State, at such times as he may direct, such sums as the Secretary of State may determine in respect of expenses defrayed by the Secretary of State under subsection (1) above.
- (3) A PPP agreement may provide that sums paid by a relevant body by virtue of subsection (2) above, or any portion of such sums as may be specified or described in the PPP agreement, may be recovered by the relevant body from a PPP company which is a party to the PPP agreement.
- (4) Where a PPP agreement includes provision by virtue of subsection (3) above making any sum recoverable by a relevant body, the directions which may be given under section 229(3) above include directions varying the amount so recoverable.
- (5) Sums received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.

#### *Miscellaneous and supplementary*

### **238 Statutory undertakers.**

Where, by virtue of a PPP agreement, statutory functions relating to a railway are exercisable by a PPP company, the PPP company shall, as respects any matter arising from the carrying out of the subject-matter of the PPP agreement, be taken to be authorised by an enactment to carry on a railway undertaking.

### **239 Interpretation of Chapter VII.**

- (1) In this Chapter, unless the context otherwise requires—
  - key system assets has the meaning given by section 213(1) above;
  - locomotive means any railway vehicle which has the capacity for self-propulsion (whether or not the power by which it operates is derived from a source external to the vehicle);
  - PPP agreement has the meaning given by section 210 above;
  - PPP arbiter shall be construed in accordance with section 225(1) above;
  - PPP company shall be construed in accordance with section 210(5) above;

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PPP designation shall be construed in accordance with section 212(1) above;

PPP lease has the meaning given by section 218 above;

PPP related third party shall be construed in accordance with section 215(2) (b) above;

PPP related third party agreement means any arrangements falling within section 215(2)(b) above;

premises includes any land, building or structure;

public sector operator has the meaning given by section 211 above;

railway has the meaning given in section 67(1) of the <sup>M211</sup>Transport and Works Act 1992;

railway vehicle includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along a railway;

the relevant authority means—

(a) as respects any time before the transfer date, London Regional Transport; and

(b) as respects any time on or after that date, Transport for London;

relevant body has the meaning given by section 210(2) above (that is to say, London Regional Transport, Transport for London or a subsidiary of London Regional Transport or Transport for London);

rolling stock means any carriage, wagon or other vehicle used on a railway and includes a locomotive;

station means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

the transfer date means the date on which London Underground Limited becomes a subsidiary of Transport for London;

vehicle includes a railway vehicle.

(2) Any reference in this Chapter to a railway includes a reference to any stretch of track comprised in a railway.

#### Marginal Citations

M211 1992 c. 42.

## CHAPTER VIII

### TRAVEL CONCESSIONS

#### 240 Travel concessions on journeys in and around Greater London.

(1) Subject to subsection (3) below, any local authority, or any two or more local authorities acting jointly, may enter into arrangements with Transport for London under which—

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- (a) Transport for London grants, or arranges with some other person for that other person to grant, such travel concessions as may be provided for by the arrangements to <sup>F97</sup>such of the persons eligible to receive them in accordance with subsection (5) below as are specified in the arrangements]; and
  - (b) that local authority reimburses (or, as the case may be, those local authorities in such proportions respectively as they may agree amongst themselves reimburse) the cost incurred in granting those concessions.
- (2) Subject to subsection (3) below, any London authority, or any two or more London authorities acting jointly, may enter into, with any independent transport service operator or with the <sup>F98</sup>Strategic Rail Authority], arrangements under which—
- (a) that operator or (as the case may be) the <sup>F98</sup>Strategic Rail Authority] grants such travel concessions as may be provided for by the arrangements to <sup>F99</sup>such of the persons eligible to receive them in accordance with subsection (5) below as are specified in the arrangements]; and
  - (b) that authority reimburses (or, as the case may be, those authorities in such proportions respectively as they may agree amongst themselves reimburse) the cost incurred in granting those concessions.
- (3) The concessions that may be provided for by any arrangements under subsection (1) or (2) above are concessions on journeys—
- (a) between places in Greater London;
  - (b) between such places and places outside but in the vicinity of Greater London; or
  - (c) between places outside but in the vicinity of Greater London.
- (4) Any arrangements entered into by a local authority under subsection (1) or (2) above may include provision for the performance of functions in connection with the travel concessions in question by the local authority or local authorities concerned.
- (5) The persons eligible to receive travel concessions under arrangements made under subsection (1) or (2) above <sup>F100</sup>by an authority are persons appearing to the authority to be persons],—
- (a) who have attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the <sup>M212</sup>Pensions Act 1995);
  - <sup>F101</sup>(b) who are blind;
  - (c) who are partially sighted;
  - (d) who are profoundly or severely deaf;
  - (e) who are without speech;
  - (f) who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
  - (g) who do not have arms or have long-term loss of the use of both arms;
  - (h) who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning; or
  - (i) who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the <sup>M213</sup>Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.]
- <sup>F102</sup>(5A) The Secretary of State may issue guidance to local authorities to which they must have regard in determining whether a person falls within subsection (5)(b) to (i) above.

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- (5B) Before issuing guidance under subsection (5A) above the Secretary of State shall consult—
- (a) the Disabled Persons Transport Advisory Committee;
  - (b) associations representative of local authorities; and
  - (c) such other persons as he thinks fit.]
- (6) In subsection (2) above independent transport service operator means any person, other than a person to whom subsection (7) below applies, operating—
- (a) a public service vehicle undertaking (public service vehicle for this purpose having the meaning given by section 1 of the <sup>M214</sup>Public Passenger Vehicles Act 1981);
  - (b) a system using guided transport within the meaning of subsection (1) of section 67 of the <sup>M215</sup>Transport and Works Act 1992;
  - (c) a railway within the meaning of that subsection;
  - (d) a tramway within the meaning of that subsection;
  - (e) a trolley vehicle system within the meaning of that subsection; or
  - (f) an undertaking providing public passenger transport services on the river Thames or a tributary of the river Thames between places in Greater London or between places in Greater London and places outside Greater London.
- (7) This subsection applies to—
- (a) Transport for London or any of its subsidiaries;
  - (b) the [<sup>F98</sup>Strategic Rail Authority]; and
  - (c) any person providing public passenger transport services in pursuance of an agreement entered into by Transport for London by virtue of section 156(2) or (3)(a) above or in pursuance of a transport subsidiary’s agreement.
- (8) In this Chapter—
- <sup>F103</sup> . . .
- local authority means the council of a county or district and any London authority;
- London authority means any London borough council and the Common Council; and
- travel concession means the reduction or waiver of a fare or charge either absolutely or subject to terms, limitations or conditions.
- (9) For the purposes of this Chapter a reference to an agreement entered into by Transport for London under section 156(2) or (3) above includes a reference to an agreement—
- (a) which was entered into by London Regional Transport under section 3(2) or (2A) of the <sup>M216</sup>London Regional Transport Act 1984, and
  - (b) which by virtue of section 300 or 415 below has effect as if made by Transport for London.

#### Textual Amendments

**F97** Words in s. 240(1)(a) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(2)(3); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)

**F98** Words in s. 240(2)(7) substituted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 67(1)(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)



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- F99** Words in s. 240(2)(a) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(2)(3); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)
- F100** Words in s. 240(5) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(2)(4); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)
- F101** S. 240(5)(b)-(i) substituted for s.240(b)(c) (E.W.) (1.4.2001) by 2000 c. 38, s. 151(2)(4); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)
- F102** S. 240(5A)(5B) inserted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(2)(5); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)
- F103** Definition in s. 240(8) omitted (1.2.2001) by 2000 c. 38, s. 215(1), **Sch. 16 para. 67(1)(3)** and repealed (1.2.2001 for E. by 2000 c. 38, s. 274, **Sch. 31 Pt. III**; S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, art. 2(2))

#### Modifications etc. (not altering text)

- C58** The first reference to "Transport for London" in s. 240(1) amended (*temp.* from 3.7.2000 to the date defined in S.I. 2000/1504, art. 2(6)) by S.I. 2000/1504, art. 5(1)
- C59** S. 240(7) extended (3.7.2000) by S.I. 2000/1504, art. 5(5)

#### Marginal Citations

- M212** 1995 c. 26.  
**M213** 1988 c. 52.  
**M214** 1981 c. 14.  
**M215** 1992 c. 42.  
**M216** 1984 c. 32.

## 241 Reserve free travel scheme for London residents.

- (1) If immediately before 1st January in any financial year it appears to Transport for London that there are not for the time being in force arrangements under section 240(1) above for travel concessions for London residents which—
  - (a) meet the requirements of section 242 below as to scope,
  - (b) meet the requirements of section 243 below as to uniformity, and
  - (c) will apply throughout the next following financial year,
 there shall have effect during that next following financial year a scheme (the free travel scheme) for the purpose of ensuring that travel concessions are provided for <sup>[F104]</sup>all eligible London residents.
- (2) Where individual arrangements under section 240(1) above made between a particular local authority or local authorities and Transport for London apply to certain eligible London residents only, all arrangements so made shall be considered together for the purpose of determining whether the requirements of sections 242 and 243 below are satisfied.
- (3) In any financial year during which the free travel scheme has effect it shall be the duty of Transport for London to provide or secure the provision of the travel concessions for eligible London residents required by the free travel scheme.
- (4) In this Chapter eligible London residents means persons resident in Greater London who are eligible in accordance with section 240(5) above to receive travel concessions under arrangements under subsection (1) of that section.
- (5) Schedule 16 to this Act (which makes further provision relating to the free travel scheme) shall have effect.

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### Textual Amendments

**F104** Word in s. 241(1) inserted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(6); S.I. 2000/3229, art. 2(3), Sch. Pt. III (with transitional provisions in arts. 3, 4)

### Modifications etc. (not altering text)

**C60** S. 241(2) amended (*temp.* from 3.7.2000 to the date defined in S.I. 2000/1504, art. 2(6)) by S.I. 2000/1504, art. 6

## 242 Requirements as to scope.

- (1) Arrangements under section 240(1) above for travel concessions for London residents meet the requirements of this section as to scope if they provide
  - [<sup>F105</sup>(a)] for the grant of travel concessions to all eligible London residents on journeys falling within subsection (2) below [<sup>F106</sup>; and.
  - <sup>F106</sup>(b) for the travel concessions granted to them to include the concession specified in subsection (8) below.]
- (2) [<sup>F107</sup>The journeys referred to in subsection (1)(a) above]are journeys of a description falling within section 240(3) above, on the London Local Transport Network.
- (3) For the purposes of this Chapter, the London Local Transport Network consists of—
  - (a) bus services which together make up the London bus network within the meaning of section 181 above;
  - (b) services using a system of guided transport which are provided by Transport for London or under an agreement entered into by Transport for London under section 156(2) or (3)(a) above or under a transport subsidiary’s agreement;
  - (c) railway services which are so provided;
  - (d) tramway services which are so provided; and
  - (e) services on the river Thames or a tributary of the river Thames which are so provided.
- (4) In subsection (3) above guided transport, railway and tramway have the same meanings as in section 240(6) above.
- (5) [<sup>F108</sup>Subsection (1)(a) above does]not preclude the imposition of terms, limitations or conditions with respect to the particular journeys falling within subsection (2) above on which travel concessions are available.
- (6) Such terms, limitations or conditions may make different provision for different categories of eligible London residents.
- (7) In this Chapter a reference to a category of eligible London residents is a reference to [<sup>F109</sup>a category specified in any one of the paragraphs]of section 240(5) above.
- [<sup>F110</sup>(8) The travel concession which must be included is a half-price concession for each journey on the London bus network which begins—
  - (a) at any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the <sup>M217</sup>Banking and Financial Dealings Act 1971; or
  - (b) in the period from midnight to 4.30 a.m, or the period from 9.30 a.m. to midnight, on any other day.

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<sup>F110</sup>(9) In subsection (8) above half-price concession, in relation to a journey, means the reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction.

<sup>F110</sup>(10) The Secretary of State may by order amend this section for or in connection with securing that subsection (8) above provides for the reduction of fares to less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares.]

#### Textual Amendments

**F105** Word "(a)" in s. 242(1) inserted (1.4.2001) by 2000 c. 38, s. 151(7)(8); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in art. 3)

**F106** Word in s. 242(1)(a) and s. 242(1)(b) inserted (1.4.2001) by 2000 c. 38, s. 151(7)(8); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

**F107** Words in s. 242(2) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(7)(9); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

**F108** Words in s. 242(5) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(7)(10); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

**F109** Words in s. 242(7) substituted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(7)(11); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

**F110** S. 242(8)-(10) inserted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(7)(12); S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

#### Modifications etc. (not altering text)

**C61** S. 242(3) extended (*temp.* from 3.7.2000 to the date defined in S.I. 2000/1504, art. 2(b)) by S.I. 2000/1054, art. 7

#### Marginal Citations

**M217** 1971 c. 80.

### 243 Requirements as to uniformity.

(1) Arrangements under section 240(1) above for travel concessions for London residents meet the requirements of this section as to uniformity if they—

- (a) make the same provision, for all eligible London residents of the same category, with respect to the benefit of any travel concession granted to those residents under the arrangements and the periods during which it is available;
- (b) make the enjoyment of the benefit of any travel concession granted under the arrangements conditional on the production, by any person seeking to travel under that concession, of a travel concession permit issued to him in accordance with the arrangements; and
- (c) make the same provision with respect to the period of validity of all travel concession permits issued in accordance with the arrangements to eligible London residents of the same category,

whether or not, in any other respects, the arrangements make different provision for different cases to which they apply.

(2) References in subsection (1) above to the benefit of a travel concession are references to the waiver or reduction of any fare or charge to which the arrangements in question

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apply, as distinct from any terms, limitations or conditions applicable to that waiver or reduction in accordance with the arrangements.

- (3) For the requirements of this section as to uniformity to be met it is sufficient that those requirements are met in relation to each description of services comprising the London Local Transport Network individually.
- (4) The reference in subsection (3) above to a description of services is a reference to the descriptions mentioned in paragraphs (a) to (e) of section 242(3) above.
- (5) In this Chapter travel concession permit means, in relation to a travel concession granted under or by virtue of this Chapter, a document in any form indicating that the person to whom it is issued is a person entitled in accordance with the provisions of this Chapter to receive the concession in question.
- [<sup>F111</sup>(6) No charge may be made for the issue to an eligible London resident of a travel concession permit relating to the travel concession specified in section 242(8) above.]

#### Textual Amendments

**F111** S. 243(6) inserted (E.W.) (1.4.2001) by 2000 c. 38, s. 151(7)(13); S.I. 2000/3229, art. 2(3), Sch. Pt. III (with transitional provisions in arts. 3, 4)

## 244 Exercise of functions by a joint committee.

- (1) If all the London authorities enter into arrangements under section 101(5) of the <sup>M218</sup>Local Government Act 1972 for the joint discharge of their functions under—
  - (a) subsection (1) of section 240 above, or
  - (b) subsection (2) of that section,
 and the arrangements so provide, then this section shall apply.
- (2) The arrangements shall have effect for such period as may be specified in the arrangements or until otherwise terminated by the unanimous decision of the London authorities.
- (3) The arrangements must provide for the function to be discharged only by a joint committee under section 101(5)(a) of the <sup>M219</sup>Local Government Act 1972.
- (4) The joint committee must consist of one member of each London authority.
- (5) Decisions of the joint committee must be unanimous decisions of those present and voting.
- (6) Subsection (5) above is subject to a resolution of the joint committee, passed unanimously by those present and voting, that—
  - (a) decisions of a kind specified in the resolution, or
  - (b) decisions generally,
 may be made by such majority of those present and voting as may be specified in the resolution.
- (7) The majority specified in a resolution under subsection (6) above must be not less than two-thirds of the members of the joint committee.
- (8) In consequence of the preceding provisions of this section—

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- (a) section 102 of the <sup>M220</sup>Local Government Act 1972 (appointment of committees) has effect in relation to the joint committee subject to those provisions; and
- (b) paragraph 39(1) of Schedule 12 to that Act (questions to be decided by simple majority), as applied to a joint committee by paragraph 44(1) of that Schedule, does not have effect in relation to the joint committee.

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**Marginal Citations**

**M218** 1972 c. 70.

**M219** 1972 c. 70.

**M220** 1972 c. 70.

## CHAPTER IX

### PENALTY FARES

#### 245 Penalty fares.

Schedule 17 to this Act shall have effect for the purpose of providing for the payment of penalty fares in the circumstances set out in that Schedule.

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**Commencement Information**

**I49** S. 245 in force at 15.7.2003 in so far as not already in force by S.I. 2003/1920, art. 2(c)

## CHAPTER X

### THE TRANSPORT USERS' COMMITTEE

#### 246 Abolition of the London Regional Passengers' Committee.

- (1) Section 40 of the <sup>M221</sup>London Regional Transport Act 1984 (which established the London Regional Passengers' Committee) shall cease to have effect.
- (2) Any appointment to the London Regional Passengers' Committee in pursuance of that section shall cease to have effect.

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**Marginal Citations**

**M221** 1984 c. 32.

#### 247 The London Transport Users' Committee.

- (1) There shall be a body corporate to be known as the London Transport Users' Committee, referred to in this Chapter as the Committee.
- (2) The Committee shall consist of—

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- (a) a Chairman, and
  - (b) not more than twenty-four other members,
- appointed by the Assembly after consultation with the [<sup>F112</sup>Strategic Rail Authority].
- (3) In appointing members under subsection (2) above, the Assembly shall have regard to the desirability of ensuring that the members of the Committee between them represent the interests of—
- (a) those who use passenger transport facilities and services in Greater London, and
  - (b) those who use rail passenger transport facilities and services in the area for which the Committee is treated as the [<sup>F113</sup>Rail Passengers’ Committee] by virtue of section 2(4) of the <sup>M222</sup>Railways Act 1993.
- (4) A person may not be appointed under subsection (2) above if he is—
- (a) an Assembly member,
  - (b) a member of Transport for London,
  - (c) a member of staff of Transport for London, or
  - (d) a member of staff of the Authority.
- (5) If, at any time after he is appointed, a member of the Committee becomes a person within subsection (4)(a) to (d) above, he shall cease to be a member of the Committee.
- (6) The Assembly may designate one or more members of the Committee to be deputy chairman or (as the case may be) deputy chairmen of the Committee.
- (7) Schedule 18 to this Act shall have effect with respect to the Committee.

#### Textual Amendments

**F112** Words in s. 247(2) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 60**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

**F113** Words in s. 247(3)(b) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 22**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

#### Marginal Citations

**M222** 1993 c.43.

## 248 Representations to the Committee.

- (1) The Committee shall consider and, where it appears to the Committee to be desirable, make recommendations with respect to, any matter—
- (a) affecting the functions of the Authority or Transport for London which relate to transport, and
  - (b) falling within subsection (3) below, other than a matter relating to the transportation of freight.
- (2) The matters falling within subsection (1)(a) above include in particular any matter relating to—
- (a) services or facilities provided by Transport for London or any of its subsidiaries,

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- (b) services or facilities provided in pursuance of an agreement entered into by Transport for London or in pursuance of a transport subsidiary’s agreement,
  - (c) services or facilities otherwise authorised by Transport for London to be provided,
  - (d) a hackney carriage or a person licensed to be the driver of a hackney carriage, or
  - (e) a private hire vehicle or a person who holds a private hire vehicle driver’s licence or a private hire vehicle operator’s licence.
- (3) A matter falls within this subsection—
- (a) if it has been the subject of representations (other than representations appearing to the Committee to be frivolous) made to the Committee by or on behalf of users of—
    - (i) any of the services or facilities mentioned in subsection (2) above, or
    - (ii) hackney carriages or private hire vehicles,
  - (b) if it has been referred to the Committee by Transport for London or the Authority, or
  - (c) if it otherwise appears to the Committee to be a matter to which consideration ought to be given.
- (4) Where a representation is made to the Committee in respect of a matter relating to a highway for which Transport for London is the highway authority and the traffic authority, the Committee shall in making any recommendation under subsection (1) above consider the interests of all those who use the highway for the purposes of passenger transport, including cyclists and pedestrians.
- (5) Where a representation is made to the Committee about a matter—
- (a) which relates to passenger transport by land or water in Greater London, but
  - (b) which is not a matter the Committee must consider by virtue of subsection (1) above,
- the Committee shall refer the matter to the person whom the Committee considers the most appropriate to consider the matter.
- (6) Where a representation is made to the Committee about a matter falling within subsection (2)(d) or (e) above and the matter relates to—
- (a) any contravention of, or failure to comply with, any rule of law, or
  - (b) any breach of condition of a licence which has been granted by Transport for London,
- the Committee shall refer the matter to Transport for London and shall notify the person who made the representation of the referral.
- (7) Where the Committee refers a matter under subsection (5) above, the Committee shall inform the person who made the representation of the name of the body or person to whom the matter has been referred.
- (8) In this section—
- hackney carriage means a vehicle licensed under section 6 of the <sup>M223</sup>Metropolitan Public Carriage Act 1869;
  - person licensed to be the driver of a hackney carriage means a person licensed under section 8 of the <sup>M224</sup>Metropolitan Public Carriage Act 1869 or section 8 of the <sup>M225</sup>London Hackney Carriages Act 1843;

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private hire vehicle means a vehicle for which a private hire vehicle licence for London is in force under section 7 of the <sup>M226</sup>Private Hire Vehicles (London) Act 1998;

private hire vehicle driver’s licence means a licence granted under section 13 of that Act;

private hire vehicle operator’s licence means a licence granted under section 3 of that Act.

**Modifications etc. (not altering text)**

**C62** S. 248 amended (*temp.* from 28.6.2000 to the date defined in S.I. 2000/1484, **art. 7(3)**) by S.I. 2000/1484, **art. 7(1)(3)**

**Marginal Citations**

**M223** 1869 c. 115.

**M224** 1869 c. 115.

**M225** 1843 c. 86.

**M226** 1998 c. 34.

**249 Voluntary arrangements with transport providers.**

- (1) The Committee may enter into arrangements with any person providing public passenger transport services or facilities in Greater London under which the Committee may consider any matter—
  - (a) which relates to such transport services or facilities provided by that person, but
  - (b) which is not a matter falling within section 248(1) above.
- (2) Arrangements under subsection (1) above shall be on such terms as may be agreed by the parties but may in particular include provision for the person with whom the Committee enters into the arrangements to make such payments by way of reimbursement of costs incurred by the Committee under the arrangements as the arrangements may specify.
- (3) Arrangements under this section may be entered into by the Committee only with the consent of the Assembly.

**250 Recommendations and reports etc.**

- (1) Copies of the minutes, conclusions and recommendations of the Committee with respect to any matter shall be sent—
  - (a) to the Assembly,
  - (b) to the Mayor, and
  - (c) to Transport for London.
- (2) The Committee shall make an annual report to the Assembly and the [<sup>F114</sup>Strategic Rail Authority].
- (3) Where the Assembly, the Mayor or Transport for London reach a decision with respect to matters dealt with in any recommendation received under subsection (1) above, the decision shall be notified to the Committee.



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#### Textual Amendments

**F114** Words in s. 250(2) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 61**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

#### Modifications etc. (not altering text)

**C63** S. 250(1)(3) excluded (*temp.* from 28.6.2000 to the date defined in S.I. 2000/1484, **art. 7(3)**) by S.I. 2000/1484, **art. 7(2)**

### 251 Directions by the Assembly.

- (1) The Assembly may issue to the Committee—
  - (a) guidance as to the manner in which they are to exercise their functions, or
  - (b) general directions as to the manner in which they are to exercise their functions.
- (2) The Committee shall exercise their functions in accordance with such guidance or directions as may be issued by the Assembly under subsection (1) above.
- (3) Any guidance or directions issued under subsection (1) above must be issued in writing and notified to such officer of the Committee as the Committee may from time to time nominate to the Assembly for the purpose.

### 252 Role as [<sup>F115</sup>Rail Passengers’ Committee].

- (1) In section 2(4) of the <sup>M227</sup>Railways Act 1993 (London Regional Passengers’ Committee to be the [<sup>F116</sup>Rail Passengers’ Committee] for Greater London), for London Regional Passengers’ Committee there shall be substituted “ London Transport Users’ Committee ”.
- (2) Schedule 19 to this Act (which contains amendments of enactments relating to the London Regional Passengers’ Committee in consequence of the substitution for that committee of the London Transport Users’ Committee) shall have effect.

#### Textual Amendments

**F115** Words in sidenote substituted (1.2.2001) by 2000 c. 38, s. 227(1), **Sch. 22 para. 23(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

**F116** Words in s. 252(1) substituted (1.2.2001) by 2000 c. 38, s. 227(1), **Sch. 22 para. 23(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

#### Marginal Citations

**M227** 1993 c. 43.

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## CHAPTER XI

### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### 253 Hackney carriages.

Schedule 20 to this Act (which makes provision about hackney carriages) shall have effect.

#### 254 The Private Hire Vehicles (London) Act 1998.

- (1) Except as provided by the following provisions of this section, the functions of the Secretary of State under the <sup>M228</sup>Private Hire Vehicles (London) Act 1998 are transferred by this subsection to Transport for London.
- (2) Subsection (1) above does not apply to any functions of the Secretary of State under section 37, 38 or 40 of that Act (transitional provisions, financial provisions and commencement etc).
- (3) Schedule 21 to this Act (which makes amendments to the <sup>M229</sup>Private Hire Vehicles (London) Act 1998 in consequence of subsections (1) and (2) above) shall have effect.
- (4) Any regulations made, licence issued, authorisation granted, or other thing done under the Private Hire Vehicles (London) Act 1998, other than section 37, 38 or 40, by or in relation to the Secretary of State before the coming into force of this section shall have effect as from the coming into force of this section as made, issued, granted or done by or in relation to Transport for London.

#### Commencement Information

**I50** S. 254 wholly in force at 7.11.2001; s. 254 not in force at Royal Assent see s. 425(2); s. 254 in force at 22.1.2001 for specified purposes by [S.I. 2000/3145, art. 2\(a\)](#); s. 254 in force insofar as not already in force at 7.11.2001 by [S.I. 2001/3603, art. 2](#)

#### Marginal Citations

**M228** 1998 c. 34.

**M229** 1998 c. 34.

#### 255 Provisions consequent on alteration of metropolitan police district.

- (1) Where, by virtue of the coming into force of section 323 below, the whole or any part of the area of a district council ceases to be within the metropolitan police district, the following provisions of this section shall have effect.
- (2) The provisions of the <sup>M230</sup>Town Police Clauses Act 1847 with respect to hackney carriages, as incorporated in the <sup>M231</sup>Public Health Act 1875, shall apply throughout the council's area.
- (3) The council's area shall constitute a single licensing area for the purposes of those provisions, without the passing of any resolution under Part II of Schedule 14 to the <sup>M232</sup>Local Government Act 1972 (extension resolutions).

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- (4) The provisions of Part II of the <sup>M233</sup>Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles) shall also apply throughout the council's area, without the passing of any resolution under section 45 of that Act (application of Part II).
- (5) Where an order is made under section 425 below bringing section 323 below into force, the provision that may be made by virtue of section 420 or 425 below includes provision enabling or facilitating—
- (a) the making of byelaws,
  - (b) the issuing of licences, discs or plates, and
  - (c) the establishment and operation of a licensing system,
- in relation to hackney carriages or private hire vehicles by a district council falling within subsection (1) above in preparation for the coming into force of this section.
- (6) The provision that may be made by virtue of subsection (5) above includes provision for the application of any enactment with or without modification.
- (7) Subsections (5) and (6) above are without prejudice to the provision that may be made by virtue of sections 420 and 425 below.

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#### Commencement Information

**I51** S. 255 wholly in force at 1.4.2000; s. 255 in force for specified purposes at Royal Assent, see s. 425(2); s. 255 in force (1.4.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(a), [Sch. Pt 1](#)

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#### Marginal Citations

**M230** 1847 c. 89.  
**M231** 1875 c. 55.  
**M232** 1972 c. 70.  
**M233** 1976 c. 57.

## CHAPTER XII

### WATER TRANSPORT

#### 256 Provision of facilities to benefit users of waterways.

- (1) Subject to subsection (2) below, Transport for London may provide or secure the provision of such amenities and facilities as it considers would benefit persons using any waterway.
- (2) Before commencing any works for the purposes of exercising the powers under subsection (1) above, Transport for London shall—
- (a) comply with any requirement in an enactment to obtain a licence or consent in respect of the works, or
  - (b) if there is no such requirement, obtain the consent to the works of any person who is under a duty to maintain the waterway to which they relate.

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**Status:** Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.

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## 257 The Woolwich Ferry.

The duty of the Secretary of State under section 16 of the <sup>M234</sup>Metropolitan Board of Works (Various Powers) Act 1885 to work a ferry-boat across the River Thames is transferred to Transport for London by this section.

### Marginal Citations

**M234** 1885 c. clxvii.

## 258 Landing places: transfer of certain rights and obligations.

- (1) This section applies where—
  - (a) a landing place was transferred to London Regional Transport or any of its subsidiaries on or after 31st March 1999 but before this section comes into force, or
  - (b) after this section comes into force a landing place is transferred to London Regional Transport or any of its subsidiaries pursuant to an agreement made on or after 31st March 1999 but before this section comes into force.
- (2) In this section qualifying landing place—
  - (a) means a landing place transferred as mentioned in subsection (1)(a) or (b) above, and
  - (b) includes any property associated with the landing place and transferred with it.
- (3) Any agreement —
  - (a) made between the transferor of a qualifying landing place and the owner of a vessel, or with a waterman in respect of a vessel not owned by him, and
  - (b) which concerns the use of the qualifying landing place by the vessel,
 shall have effect on and after the relevant date in accordance with subsections (4) to (6) below.
- (4) The agreement shall have effect as if—
  - (a) the transferee had been a party to the agreement instead of the transferor;
  - (b) for any reference to the transferor there were substituted a reference to the transferee;
  - (c) any reference to any officer or member of staff of the transferor were a reference to such person as the transferee may appoint or, in default of appointment, to the officer or member of staff of the transferee who most closely corresponds to the transferor’s officer or member of staff;
 and this subsection shall apply whether or not the agreement is capable of being assigned or transferred.
- (5) An agreement shall only have effect in accordance with subsection (4) above—
  - (a) to the extent that the agreement concerns the use of the qualifying landing place by the vessel, and
  - (b) in relation to things falling to be done under the agreement on or after the relevant date.
- (6) An agreement shall not have effect in accordance with subsection (4) above to the extent that the transferor and the transferee have made contrary provision.

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(7) For the purposes of this section—

landing place means any waterside landing place, pier, jetty, pontoon or other similar installation;

transferee, in relation to a qualifying landing place, means the body (being London Regional Transport or one of its subsidiaries) to which the landing place is or was transferred as mentioned in subsection (1)(a) or (b) above;

transferor, in relation to qualifying landing place, means the person by whom the landing place is or was transferred to a transferee as mentioned in subsection (1)(a) or (b) above;

relevant date, in the case of a qualifying landing place, means—

- (a) the date when this section comes into force if on that date the landing place has been transferred to a transferee, or
- (b) if the landing place has not been so transferred, the date when it is transferred to the transferee;

waterman means a person who navigates a vessel used for carrying passengers for reward.

## CHAPTER XIII

### HIGHWAYS

#### *GLA roads*

#### 259 Introductory.

(1) Section 1 of the <sup>M235</sup>Highways Act 1980 (highway authorities: general provisions) shall be amended as follows.

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

“(2A) Transport for London is the highway authority for all GLA roads.”

(3) In subsection (3) (highways for which a London borough council or the Common Council is the highway authority) after which are not there shall be inserted “ for the time being GLA roads or ”.

(4) In section 2(1) of the <sup>M236</sup>Highways Act 1980 (highway authority for road which ceases to be a trunk road) for paragraph (b) (roads in London boroughs) there shall be substituted—

“(b) where the road is situated in Greater London, Transport for London,”.

(5) After subsection (2) there shall be added—

“(3) Where Transport for London becomes the highway authority for a road by virtue of subsection (1) above, the road shall become a GLA road.”

#### Marginal Citations

M235 1980 c. 66.

M236 1980 c. 66.

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## 260 Designation of first GLA roads.

After section 14 of the <sup>M237</sup>Highways Act 1980 there shall be inserted—

“ *GLA roads*

### 14A Designation of first GLA roads by Secretary of State.

- (1) The Secretary of State may by order designate highways or proposed highways as highways which are to be GLA roads.
- (2) Any highway or proposed highway so designated—
  - (a) shall become a GLA road, and
  - (b) if it is a trunk road or other highway for which the Secretary of State is the highway authority, shall accordingly cease to be such a road or highway,
 

on such date as may be specified in that behalf in the order.
- (3) Orders under this section may be made or amended at any time before the beginning of the term of office of the first Mayor of London.”

#### Marginal Citations

M237 1980 c. 66.

## 261 Orders by the Authority changing what are GLA roads.

After section 14A of the <sup>M238</sup>Highways Act 1980 there shall be inserted—

### “14B Orders of the Authority changing what are GLA roads.

- (1) The Mayor of London shall keep under review the system of highways and proposed highways in Greater London and the allocation of responsibility for that system between the different local highway authorities.
- (2) If the Mayor of London considers it expedient that—
  - (a) any highway or proposed highway in Greater London, other than a trunk road, should become a GLA road, or
  - (b) that any GLA road should cease to be such a road and should become a road for which the highway authority is a London borough council or the Common Council,
 

the Greater London Authority may by order direct that that highway or proposed highway shall become, or (as the case may be) that that road shall cease to be, a GLA road as from such date as may be specified in that behalf in the order.
- (3) Where an order under subsection (2) above directs that a highway or proposed highway shall become a GLA road, it shall become such a road as from the date specified in that behalf in the order.

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- (4) Where an order under subsection (2) above directs that a GLA road shall cease to be such a road, then, as from the date specified in that behalf in the order, the road shall cease to be a GLA road and the following authority, that is to say—
- (a) where the road is situated in a London borough, the council for the London borough, and
  - (b) where the road is situated in the City, the Common Council,
- shall become the highway authority for the road.
- (5) An order under this section shall be of no effect unless—
- (a) it is made with the consent of the relevant highway authority; or
  - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (6) For the purposes of subsection (5) above, the relevant highway authority is—
- (a) in the case of an order directing that a highway or proposed highway shall become a GLA road, the authority which is the highway authority for the highway or proposed highway; and
  - (b) in the case of an order directing that a GLA road shall cease to be such a road, the authority which will become the highway authority for the road in consequence of the order.”

#### Marginal Citations

M238 1980 c. 66.

## 262 Certification and records of GLA roads.

After section 14B of the <sup>M239</sup>Highways Act 1980 there shall be inserted—

### “14C Certification and records of GLA roads.

- (1) A certificate by or on behalf of Transport for London that any highway or proposed highway is, or is not, for the time being a GLA road shall be evidence of the facts stated in the certificate.
- (2) A certificate under subsection (1) above may describe the highway or proposed highway in question by reference to a map.
- (3) Transport for London shall prepare and maintain a record of the highways which are for the time being GLA roads.
- (4) The record required to be prepared and maintained under subsection (3) above may consist of—
  - (a) a list;
  - (b) a map; or
  - (c) a list and a map.
- (5) Transport for London shall deposit a copy of that record with the Greater London Authority, each of the London borough councils and the Common Council.

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- (6) Transport for London, and the Greater London Authority, each of the London borough councils and the Common Council, shall make the record, or (as the case may be) the copies of the record deposited with them, available for inspection by the public at all reasonable hours.”

#### Marginal Citations

M239 1980 c. 66.

### 263 Supplementary provisions.

- (1) After section 14C of the <sup>M240</sup>Highways Act 1980 there shall be inserted—

#### “14D Construction of provisions relating to GLA roads.

- (1) Any reference in any provision of this Act or any other enactment to a GLA road shall be construed as a reference to a highway or proposed highway in Greater London which is for the time being a GLA road by virtue of—
- (a) section 2(3) above;
  - (b) an order made by the Secretary of State under section 14A above; or
  - (c) an order made under section 14B above by the Greater London Authority.
- (2) The functions conferred or imposed on the Greater London Authority in relation to GLA roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (3) Subsection (2) above does not apply in relation to any function expressly conferred or imposed on the London Assembly.”
- (2) In section 325 of the <sup>M241</sup>Highways Act 1980 (regulations, schemes and orders)—
- (a) in subsection (1)(d) (power to confirm orders exercisable by statutory instrument, except as there mentioned)—
    - (i) after sections 14, there shall be inserted “ 14B, ”, and
    - (ii) for and 124 there shall be substituted “ , 124 and 266B ”;
  - (b) in subsection (2)(b) (orders subject to negative parliamentary procedure) after section there shall be inserted “ 14A or ”.
- (3) Section 326 of the <sup>M242</sup>Highways Act 1980 (revocation or variation of schemes and orders) shall be amended as follows.
- (4) In subsection (2) (orders made otherwise than by statutory instrument)—
- (i) after section 14, there shall be inserted “ 14B, ”, and
  - (ii) for or 124 there shall be substituted “ , 124 or 266B ”.
- (5) In subsection (6) (orders which may make consequential provision)—
- (i) after section 14, there shall be inserted “ 14A, 14B, ”, and
  - (ii) for or 124 there shall be substituted “ , 124 or 266B ”.
- (6) In section 329 of the <sup>M243</sup>Highways Act 1980 (further provisions as to interpretation) in subsection (1), the following definition shall be inserted at the appropriate place—



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“GLA road shall be construed in accordance with section 14D(1) above;”.

**Marginal Citations**

- M240 1980 c. 66.
- M241 1980 c. 66.
- M242 1980 c. 66.
- M243 1980 c. 66.

**264 Transfer of property and liabilities upon a highway becoming or ceasing to be a GLA road.**

After section 266 of the <sup>M244</sup>Highways Act 1980 there shall be inserted—

**“266A Transfer of property and liabilities upon a highway becoming or ceasing to be a GLA road.**

- (1) This section applies where, by virtue of an order made by the Greater London Authority under section 14B(2) above, a highway or proposed highway becomes, or ceases to be, a GLA road.
- (2) As from the operative date there are transferred to the new highway authority by virtue of this section—
  - (a) the property mentioned in subsection (4) below, in so far as, immediately before the operative date, it was vested in the former highway authority for the purposes of their functions in relation to the transferred highway, and
  - (b) all liabilities incurred by any such authority for the purposes of its functions in relation to the transferred highway and not discharged before the operative date, other than loans and loan charges,and the property and liabilities so transferred vest, by virtue of this section, in the new highway authority.
- (3) There is not transferred to the new highway authority by virtue of this section any right or liability in respect of—
  - (a) work done, services rendered, goods delivered, or money due for payment, before the operative date, or
  - (b) damages or compensation for any act or omission before that date, or
  - (c) the price of, or compensation for, any land purchased, or for which a contract to purchase has been concluded, before that date.
- (4) The property referred to in subsection (2)(a) above is—
  - (a) land, other than land—
    - (i) vested in the former highway authority for the purpose of being used for the storage of materials required wholly or mainly for the maintenance and improvement of other highways, or
    - (ii) acquired for the improvement or development of frontages to the highway, or of land adjoining or adjacent to the highway, and
  - (b) all other property (including unexpended balances of any grants paid by the Minister to the former highway authority), other than—

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- (i) materials to be used for the maintenance or improvement of the highway, and
  - (ii) the unexpended balances of any loans raised by the former highway authority.
- (5) Any property vested in the new highway authority by virtue of this section shall be held by it subject to all covenants, conditions and restrictions subject to which the property was held by the former highway authority and to all liabilities affecting the property, except liabilities referred to in subsection (3) above.
- (6) The new highway authority and the former highway authority may agree, on such terms as they think fit—
- (a) that any property or liabilities (except loans and loan charges) acquired or incurred by the former highway authority for the purposes of their functions in relation to the transferred highway, other than property or liabilities transferred to the new highway authority by virtue of this section, shall be transferred to the new highway authority, or
  - (b) that any property or liabilities transferred to the new highway authority by virtue of this section shall be re-transferred to the former highway authority.
- (7) Any dispute between the new highway authority and any other person as to the property or liabilities transferred by virtue of this section shall be determined by arbitration.
- (8) Paragraphs 1 and 3 to 8 of Schedule 21 to this Act shall have effect for the purpose of providing for transitional matters arising where a highway or proposed highway becomes, or ceases to be, a GLA road as it applies where a highway becomes, or ceases to be, a trunk road; but in having such effect those paragraphs shall be treated as if—
- (a) for the references to a trunk road there were substituted references to a GLA road, and
  - (b) for the references to the Minister there were substituted references to the new highway authority (within the meaning of this section).
- (9) For the purposes of this section—
- former highway authority means the highway authority for the transferred highway immediately before the operative date;
  - new highway authority means the highway authority for the transferred highway immediately after the operative date;
  - operative date means the date on which the highway or proposed highway becomes, or ceases to be, a GLA road;
  - property includes property, rights and powers of every description; and
  - transferred highway means the highway or proposed highway which is the subject of the order under section 14B(2) above.”

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**Marginal Citations**

M244 1980 c. 66.

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**Status:** Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.  
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## **265 Transfer of employees upon a highway becoming or ceasing to be a GLA road.**

After section 266A of the <sup>M245</sup>Highways Act 1980 there shall be inserted—

### **“266B Transfer of employees upon a highway becoming or ceasing to be a GLA road.**

- (1) This section applies where, by virtue of an order made by the Greater London Authority under section 14B(2) above, a highway or proposed highway becomes, or ceases to be, a GLA road.
- (2) The Greater London Authority may, if it is necessary in connection with the highway becoming, or ceasing to be, a GLA road, by order make schemes containing provision for or in connection with the transfer from the former highway authority to the new highway authority of rights and liabilities under contracts of employment.
- (3) The rights and liabilities which may be transferred by such a scheme include rights and liabilities which would not otherwise be capable of being transferred or assigned.
- (4) Subsections (5) to (7) below apply where any rights or liabilities under a contract of employment are transferred by virtue of this Act.
- (5) Anything done by or in relation to the former highway authority in respect of the employee before the day on which the transfer of the rights and liabilities takes effect shall be treated on and after that day as done by or in relation to the new highway authority.
- (6) For the purposes of Part XI of the <sup>M246</sup>Employment Rights Act 1996 (redundancy payments etc) the employee shall not be regarded as having been dismissed by virtue of the transfer.
- (7) For the purposes of that Act, the employee’s period of employment with the former highway authority shall count as a period of employment with the new highway authority, and the change of employment shall not break the continuity of the period of employment.
- (8) An order under this section shall be of no effect unless—
  - (a) it is made with the consent of the relevant highway authority; or
  - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (9) For the purposes of subsection (8) above, the relevant highway authority is—
  - (a) in a case where the order under section 14B above directs that a highway or proposed highway shall become a GLA road, the former highway authority; and
  - (b) in a case where the order directs that a GLA road shall cease to be such a road, the new highway authority.
- (10) Section 266A(9) above also applies for the purposes of this section.”

#### **Marginal Citations**

**M245** 1980 c. 66.

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**Status:** Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.

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M246 1996 c. 18.

*London borough councils*

**266 Exercise of powers so as to affect another authority's roads.**

After section 301 of the <sup>M247</sup>Highways Act 1980 there shall be inserted—

*“ London borough council affecting roads of another authority*

**301A London borough council exercising powers so as to affect another authority's roads.**

- (1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—
  - (a) a GLA road, or
  - (b) a road in another London borough,
 unless the requirements of subsections (2) and (3) below have been satisfied.
- (2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—
  - (a) to Transport for London; and
  - (b) in a case where the road concerned is in another London borough, to the council for that borough.
- (3) The second requirement is that—
  - (a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or
  - (b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or
  - (c) any objection made by Transport for London or the council has been withdrawn; or
  - (d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.
- (4) Before deciding whether to give any consent for the purposes of subsection (3) (d) above, the Greater London Authority may cause a public inquiry to be held.
- (5) If Transport for London has reason to believe—
  - (a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and
  - (b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,

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Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.

- (6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.
- (8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.
- (9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.
- (10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—
  - (a) all or any of the London borough councils;
  - (b) all or any of the GLA roads;
  - (c) all or any of the roads which are neither GLA roads nor trunk roads;
  - (d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.
- (11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.
- (12) Any reference in this section to a GLA road includes a reference to a GLA side road, within the meaning of the <sup>M248</sup>Road Traffic Regulation Act 1984 (see sections 124A(9) and 142(1) of that Act).
- (13) In this section road means any length of highway or of any other road to which the public has access and includes bridges over which a road passes.
- (14) Subsection (13) above is without prejudice to the construction of references to GLA roads or GLA side roads.
- (15) The functions of the Greater London Authority under this section shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (16) For the purposes of this section—
  - (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.”

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#### Commencement Information

**I52** S. 266 wholly in force at 3.7.2000; s. 266 not in force at Royal Assent see s. 425(2); s. 266 in force (8.5.2000) for specified purposes by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 266 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### Marginal Citations

**M247** 1980 c. 66.

**M248** 1984 c. 27.

### Miscellaneous and supplementary

#### 267 Proposals for Royal Parks and highways: consultation.

After section 301A of the <sup>M249</sup>Highways Act 1980 there shall be inserted—

**“301B Royal Parks or highways in London affected by proposals relating to the other.**

- (1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted the highway authority for the highway about the exercise of those functions in that way.
- (2) A highway authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.
- (3) The duty imposed by subsection (1) or (2) above shall not apply if it would not be reasonably practicable for the Secretary of State or, as the case may be, the highway authority to consult the other before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State or, as the case may be, the highway authority shall inform the other that those functions have been so exercised.
- (4) In this section Royal Park means any park to which the <sup>M250</sup>Parks Regulation Act 1872 applies (see sections 1 and 3 of the <sup>M251</sup>Parks Regulation (Amendment) Act 1926).”

#### Marginal Citations

**M249** 1980 c. 66.

**M250** 1872 c. 15.

**M251** 1926 c. 36.

#### 268 Road humps.

- (1) The <sup>M252</sup>Highways Act 1980 shall be amended as follows.

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- (2) In section 90A(1) (construction of road humps by highway authority) at the end of paragraph (b) there shall be inserted “or
- (c) (whether or not the highway is subject to such a limit) the road humps fall within section 90CA below.”
- (3) After section 90C there shall be inserted—

**“90CA Special procedure for certain road humps in London.**

- (1) A road hump falls within this section if—
- (a) it is constructed by a local highway authority in Greater London, and
- (b) the requirements of subsections (2) and (3) below have been complied with.
- (2) The requirement of this subsection is that before starting to construct the road hump the authority concerned gives the Secretary of State notice stating—
- (a) the nature, dimensions and location of the proposed road hump,
- (b) the spacing between the proposed road hump and any other humps constructed, or proposed to be constructed, in the vicinity,
- (c) the type and description of signs which are proposed to be located in the highway in connection with the proposed hump,
- (d) the statutory speed limit for motor vehicles to which the highway where it is proposed to construct the hump is subject, and
- (e) the period (of not less than one month) within which, and the address to which, the Secretary of State may send any comments on the proposal to the authority.
- (3) The requirement of this subsection is that in deciding—
- (a) whether to proceed with the construction of the road hump, and
- (b) what the nature, dimensions and location of the road hump as constructed are to be,
- the authority concerned has regard to any comments made by the Secretary of State within the period stated in the notice.”
- (4) After section 90D(4) there shall be inserted—
- “(5) Regulations under this section do not apply where a road hump falls within section 90CA above.”
- (5) In section 90E(1) for the words from Where to satisfied there shall be substituted “Where the requirements of subsections (1A), (1B) or (1C) are satisfied in relation to a road hump”.
- (6) After section 90E(1) there shall be inserted—
- “(1A) The requirements of this subsection are that—
- (a) regulations under section 90D above apply to the road hump,
- (b) the road hump conforms to the regulations, and
- (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.
- (1B) The requirements of this subsection are that—

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- (a) the road hump is specially authorised by the Secretary of State,
- (b) the road hump conforms with the conditions attached to the authorisation, and
- (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.

(1C) The requirements of this subsection are that—

- (a) the road hump falls within section 90CA, and
- (b) if the road hump is in a highway maintainable at the public expense, the condition mentioned in subsection (2)(a) below is satisfied.”

(7) Section 90E(3) shall be omitted.

#### Marginal Citations

M252 1980 c. 66.

## 269 Traffic calming.

- (1) The <sup>M253</sup>Highways Act 1980 shall be amended as follows.
- (2) In section 90G(1) (powers to carry out traffic calming works) at the end of paragraph (b) there shall be inserted “or
  - (c) fall within section 90GA below,”.
- (3) In section 90G(2) for subsection (1) there shall be inserted “ subsection (1)(a) or (b) ”.
- (4) After section 90G there shall be inserted—

### “90GA Special procedure for certain traffic calming works in London.

- (1) Traffic calming works fall within this section if—
  - (a) the works are constructed by a local highway authority in Greater London, and
  - (b) the requirements of [<sup>F117</sup>subsections (2), (3) and (4)] below have been complied with.
- (2) The requirement of this subsection is that before starting to construct the works the authority concerned gives the Secretary of State notice stating—
  - (a) the nature, dimensions and location of the proposed works,
  - (b) the type and description of signs which are proposed to be located in the highway in connection with the proposed hump, and
  - (c) the period (of not less than one month) within which, and the address to which, the Secretary of State may send any comments on the proposal to the authority.
- (3) The requirement of this subsection is that in deciding—
  - (a) whether to proceed with the construction of the works, and
  - (b) what the nature, dimensions and location of the works as constructed are to be,
 the authority concerned has regard to any comments made by the Secretary of State within the period stated in the notice.”



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[<sup>F118</sup>(4) The requirement of this subsection is that the authority concerned complies with such requirements as to consultation and publicity as may be prescribed by regulations made by the Secretary of State.]

(5) In section 90I for the words from Works to authorisation there shall be substituted—

“(1) Works (whenever constructed) to which this subsection applies”.

(6) At the end of section 90I there shall be inserted—

“(2) Subsection (1) above applies—

- (a) to works of a description prescribed by regulations under section 90H above or specially authorised under section 90G above which conform to any requirements imposed by the regulations or authorisation, and
- (b) to works which fall within section 90GA above.”

#### Textual Amendments

**F117** S. 269(4): Words in the s. 90GA(1)(b) to be inserted into 1980 c. 66 substituted (27.5.2000) by S.I. 2000/1435, art. 7(3)

**F118** S. 269(4): subsection (4) in the s. 90GA to be inserted into 1980 c. 66 inserted (27.5.2000) by S.I. 2000/1435, art. 7(4)

#### Marginal Citations

**M253** 1980 c. 66.

## 270 Stopping up orders by London councils.

Schedule 22 to this Act (which contains amendments to the <sup>M254</sup>Highways Act 1980 and the <sup>M255</sup>Town and Country Planning Act 1990) shall have effect.

#### Marginal Citations

**M254** 1980 c. 66.

**M255** 1990 c. 8.

## CHAPTER XIV

### ROAD TRAFFIC

#### *Transport for London as a traffic authority*

## 271 Transport for London to be traffic authority for GLA roads etc.

(1) Section 121A of the <sup>M256</sup>Road Traffic Regulation Act 1984 (traffic authorities) shall be amended as follows.

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

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“(1A) Transport for London is the traffic authority for every GLA road.”

- (3) In subsection (2) (London borough council or Common Council to be traffic authority for roads in the borough or the City for which the Secretary of State is not the traffic authority) after in the City there shall be inserted “ which are not GLA roads and ”.

#### Marginal Citations

M256 1984 c. 27.

## 272 GLA side roads.

After section 124 of the <sup>M257</sup>Road Traffic Regulation Act 1984 there shall be inserted—

### “124A GLA side roads.

- (1) The Secretary of State may by order designate roads or proposed roads as roads which are to be GLA side roads.
- (2) Any road or proposed road so designated shall become a GLA side road on such date as may be specified in the order.
- (3) A road may only be a GLA side road if it has a junction with—
  - (a) a GLA road; or
  - (b) another road which has a junction with a GLA road.
- (4) A road or proposed road shall not be a GLA side road if it is a trunk road or other highway for which the Secretary of State is the highway authority.
- (5) A road may only be a GLA side road if and to the extent that the appropriate authority considers it appropriate for the road to be a GLA side road in the interests of the management of traffic and the control of the waiting and loading of vehicles on or in the immediate vicinity of GLA roads.
- (6) The Secretary of State may by order make provision for or in connection with applying in relation to GLA side roads, with such modifications as he thinks fit, the provisions of sections 14B and 14C of the <sup>M258</sup>Highways Act 1980 (orders changing what are GLA roads and certification and records of GLA roads).
- (7) The provision that may be made under subsection (6) above is subject to subsections (3) to (5) above.
- (8) In this section the appropriate authority means—
  - (a) in relation to an order under subsection (1) above, the Secretary of State;
  - (b) in relation to an order made by the Greater London Authority under section 14B of the <sup>M259</sup>Highways Act 1980, as applied under subsection (6) above, the Mayor of London; and
  - (c) in relation to confirmation of such an order by the Secretary of State under that section as so applied, the Secretary of State.

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- (9) Any reference in any provision of this Act or any other enactment to a GLA side road shall be construed as a reference to a road in Greater London which is for the time being a GLA side road by virtue of—
- (a) an order made by the Secretary of State under subsection (1) above; or
  - (b) an order made by the Greater London Authority under section 14B of the <sup>M260</sup>Highways Act 1980, as applied by an order under subsection (6) above.
- (10) Any functions conferred or imposed on the Greater London Authority in relation to GLA side roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (11) Subsection (10) above does not apply in relation to any functions expressly conferred on the London Assembly.
- (12) Any power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I53** S. 272 wholly in force at 12.1.2001; by virtue of s. 425(2) it is provided that the Act is in force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 272 in force at 12.1.2000 by S.I. 1999/3434, art. 2

#### Marginal Citations

**M257** 1984 c. 27.  
**M258** 1980 c. 66.  
**M259** 1980 c. 66.  
**M260** 1980 c. 66.

### 273 Power to place traffic signs in connection with GLA roads etc.

- (1) Section 73 of the <sup>M261</sup>Road Traffic Regulation Act 1984 (powers and duties of local traffic authorities in Greater London in respect of traffic signs) shall be amended as follows.
- (2) In subsection (1) (power to fix traffic signs to lamp-posts etc in connection with orders under section 6 or 9)—
- (a) after proposed by them, there shall be inserted “ Transport for London, ”;
  - (b) the words in their area shall be omitted; and
  - (c) after whether or not belonging to there shall be inserted “ Transport for London or ”.
- (3) After subsection (1) there shall be inserted—
- “(1A) In connection with any GLA road, Transport for London may—
- (a) exercise, as respects any road in Greater London which is neither a trunk road nor a GLA road, any powers exercisable by the traffic authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 65 of this Act; and

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- (b) affix any such sign to any lamp-post or other structure in the highway, whether or not belonging to Transport for London.
- (1B) The power conferred by subsection (1A) above shall be exercisable—
- (a) in connection with any order under section 6 or 9 of this Act made or proposed to be made by Transport for London; or
  - (b) in any other circumstances.
- (1C) Before exercising the power conferred by subsection (1A) above, Transport for London shall consult the traffic authority for the road on or near which Transport for London proposes to place the traffic sign.”
- (4) In subsection (2) (duty of London borough council and Common Council as to maintenance, alteration and removal of traffic signs in their area)—
- (a) for their area there shall be substituted “ Greater London ”; and
  - (b) for the council of a London borough and of the Common Council of the City of London there shall be substituted “ the appropriate traffic authority ”.
- (5) After subsection (2) there shall be inserted—
- “(2A) For the purposes of subsection (2) above, the appropriate traffic authority, in the case of any traffic sign, is the authority which is the traffic authority for the road as respects which the order under section 6 or 9 of this Act is made in connection with which the traffic sign is required.”
- (6) At the end of the section there shall be inserted—
- “(6) The powers of Transport for London exercisable under subsection (1A) above by virtue of subsection (1B)(b) above shall extend to the removal or repositioning of any traffic sign on or near the road in question, whether placed by Transport for London or not.
- (7) On the removal or repositioning by Transport for London of any such traffic sign placed by another authority, the traffic sign shall vest in Transport for London.
- (8) Except—
- (a) with the consent of Transport for London, or
  - (b) in pursuance of a direction under section 65(2) of this Act,
- the traffic authority for a road shall not remove, alter or in any way interfere with any traffic sign placed or repositioned on or near the road by Transport for London by virtue of subsection (1B)(b) above.”
- (7) In consequence of the provisions of this section, the sidenote to the section becomes Powers and duties of local traffic authorities in Greater London in respect of traffic signs.

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**Marginal Citations**

M261 1984 c. 27.

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## 274 Power to affix traffic signs to walls.

- (1) Section 74 of the <sup>M262</sup>Road Traffic Regulation Act 1984 (affixing of signs to walls) shall be amended as follows.
- (2) In subsection (1) (which confers the power)—
  - (a) before the council of a London borough there shall be inserted “ Transport for London and ”; and
  - (b) after shall there shall be inserted “ each ”.
- (3) After subsection (1) there shall be inserted—

“(1A) Subsections (2) to (7) below shall apply in relation to Transport for London as they apply in relation to a London borough council.”
- (4) In subsection (8) (no derogation from certain other powers) after the powers of there shall be inserted “ Transport for London or ”.

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### Marginal Citations

**M262** 1984 c. 27.

### *Traffic control systems*

## 275 Transfer of London Traffic Control System to Transport for London.

- (1) So far as relating to—
  - (a) GLA roads, and
  - (b) roads in Greater London which are neither GLA roads nor trunk roads,the functions transferred to the Secretary of State by orders under paragraph 10 of Schedule 5 to the <sup>M263</sup>Local Government Act 1985 are transferred to Transport for London by this subsection.
- (2) The functions referred to in subsection (1) above are the functions conferred by sections 65, 73, 74 and 75 of the <sup>M264</sup>Road Traffic Regulation Act 1984 in respect of traffic signs which are traffic light signals controlling the movement of any class of road traffic (including pedestrians).
- (3) Any expenses reasonably incurred by or on behalf of Transport for London in the exercise, in relation to roads which are not GLA roads, of the functions transferred by this section may be recovered by Transport for London from the London borough councils and the Common Council in such proportions as may be agreed between Transport for London and those authorities or, in default of agreement, as may be determined by Transport for London.
- (4) Any reference in this section to a GLA road includes a reference to a GLA side road.

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### Marginal Citations

**M263** 1985 c. 51.

**M264** 1984 c. 27.

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## 276 London borough councils and the London traffic control system.

After section 74 of the <sup>M265</sup>Road Traffic Regulation Act 1984 there shall be inserted—

### “74A London borough councils and the London traffic control system.

- (1) If a London borough council requests Transport for London to provide any new traffic light installations for a road in Greater London which is neither a GLA road nor a trunk road, Transport for London shall approve and carry out the work unless it considers that there are reasonable grounds for refusing to do so.
- (2) If Transport for London and a London borough council so agree, Transport for London may make a scheme transferring to the council—
  - (a) any part of the London traffic control system, and
  - (b) the power to maintain and operate that part of the system.
- (3) The council for a London borough may, with the approval of Transport for London, buy, own, maintain and operate new traffic light installations for any road in the borough other than a trunk road.
- (4) Where the powers conferred by subsection (2) or (3) above are exercised, the London borough council concerned shall, as respects the traffic signs comprised in—
  - (a) the part of the London traffic control system transferred by the scheme under subsection (2) above, or
  - (b) the traffic light installations referred to in subsection (3) above,
 be treated (to the exclusion of Transport for London) as the traffic authority for all roads in Greater London (other than trunk roads) on or near which those traffic signs are placed.
- (5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between Transport for London and the council concerned.
- (6) Before Transport for London—
  - (a) changes the operating cycle, or the timing of the operating cycle, of any traffic light installations provided on a road in Greater London which is neither a GLA road nor a trunk road, or
  - (b) provides new traffic light installations for such a road,
 Transport for London shall consult the council of the London borough in which the installations are or are to be provided.
- (7) In this section—

the London traffic control system means the traffic control system which Transport for London has power to operate by virtue of the functions transferred to it—

- (a) by section 275 of the Greater London Authority Act 1999; or
- (b) by a scheme under subsection (1) or (3) of section 74B of this Act transferring functions of the Secretary of State to Transport for London;

traffic control system means a system for controlling the movement of vehicular traffic or of pedestrians by means of traffic light installations;

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traffic light installations means—

- (a) traffic signs which are light signals for controlling the movement of vehicular traffic or of pedestrians; or
- (b) any installations or apparatus used in connection with the operation of any such traffic signs.

(8) For the purposes of this section—

- (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.”

**Marginal Citations**

M265 1984 c. 27.

**277 Transfer of traffic control systems between Secretary of State and Transport for London.**

After section 74A of the <sup>M266</sup>Road Traffic Regulation Act 1984 there shall be inserted—

**“74B Transfer of traffic control systems between Secretary of State and Transport for London.**

- (1) If the Secretary of State and Transport for London so agree, the Secretary of State may make a scheme transferring to Transport for London—
  - (a) the traffic control system for a trunk road in Greater London; and
  - (b) the power to maintain and operate that system.
- (2) If Transport for London and the Secretary of State so agree, Transport for London may make a scheme transferring to the Secretary of State—
  - (a) the London traffic control system; and
  - (b) the power to maintain and operate that system.
- (3) If, in a case where a traffic control system has been transferred under this section, the transferee and the transferor so agree, the transferee may make a scheme transferring back to the transferor the system and the power to maintain and operate it.
- (4) A scheme under subsection (1), (2) or (3) above may make provision for the transferee to be treated (to the exclusion of the transferor), as respects the traffic signs comprised in the traffic control system transferred, as the traffic authority for specified roads in Greater London on or near which those traffic signs are placed.
- (5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between the Secretary of State and Transport for London.

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- (6) Any reference in this section to a traffic control system includes a reference to part of a traffic control system.
- (7) Expressions used in this section and in section 74A above have the same meaning in this section as they have in that section.”

#### Marginal Citations

M266 1984 c. 27.

### 278 Traffic authority for certain traffic signs in Greater London.

After section 74B of the<sup>M267</sup>Road Traffic Regulation Act 1984 there shall be inserted—

#### “74C The traffic authority for traffic signs.

- (1) This section has effect for the purposes of sections 65, 73, 74, 74A, 74B and 75 of this Act.
- (2) In the application of those provisions to traffic signs in Greater London which are light signals for controlling the movement of vehicular traffic or of pedestrians, Transport for London shall at all times be deemed to be the traffic authority for all roads in Greater London other than trunk roads.
- (3) Without prejudice to the powers of the traffic authority for the road in question, Transport for London shall also be deemed to be the traffic authority for any road in Greater London for which they are not in fact the traffic authority for the purposes of the exercise by them as respects that road under section 73(1A) above of any powers exercisable by the traffic authority for that road.
- (4) Subsections (2) and (3) above are subject to any provision to the contrary made by or under section 74A or 74B of this Act.”

#### Marginal Citations

M267 1984 c. 27.

### *Road safety and traffic reduction*

### 279 Road safety information and training.

- (1) Section 39 of the<sup>M268</sup>Road Traffic Act 1988 (powers of Secretary of State and local authorities as to giving road safety information and training) shall be amended as follows.
- (2) For subsection (2) (duty of local authority to prepare and carry out measures to promote road safety etc) there shall be substituted—
  - “(2) Each relevant authority—
    - (a) if it is a local authority, must prepare and carry out a programme of measures designed to promote road safety, or



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- (b) if it is Transport for London, may prepare and carry out such a programme,  
and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies.”
- (3) In subsection (3) (duty of local authority to carry out and act upon studies into accidents arising out of the use of vehicles on roads in their area, other than trunk roads) for the words preceding paragraph (a) there shall be substituted “ Each relevant authority— ”.
- (4) In paragraph (a) of that subsection (the duty to carry out the studies)—
- (a) after use of vehicles there shall be inserted—
    - “(i) if it is a local authority,”;
  - (b) after other than there shall be inserted “ GLA roads or ”; and
  - (c) at the end there shall be added “or
    - (ii) if it is Transport for London, on GLA roads or parts of GLA roads,”.
- (5) After subsection (3) there shall be inserted—
- “(3A) The duties imposed by subsection (3) above are without prejudice to the generality of subsection (2) above and—
- (a) in the case of a local authority, are to be discharged in pursuance of their duty under subsection (2)(a) above; and
  - (b) in the case of Transport for London, are to be discharged by exercising their powers under subsection (2)(b) above.”
- (6) In subsection (4) (definitions) the following definitions shall be inserted at the appropriate places—
- “GLA road has the same meaning as in the <sup>M269</sup>Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;
- relevant authority means a local authority or Transport for London;.

#### Marginal Citations

M268 1988 c. 52.

M269 1980 c. 66.

## 280 The Road Traffic Reduction Act 1997.

- (1) In section 1 of the <sup>M270</sup>Road Traffic Reduction Act 1997 (interpretation) the following definitions shall be inserted at the appropriate places—
- “ local implementation plan, in relation to a London council, means the plan prepared by the council under section 145 of the Greater London Authority Act 1999;”
- “ London council means a London borough council or the Common Council of the City of London;”
- “ the Mayor of London’s transport strategy means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999;”

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- (2) Section 2 of that Act (duty of principal councils to make reports) shall be amended as follows.
- (3) In subsection (3) (information or proposals which relate to levels of local road traffic and are required by guidance under subsection (6)) in paragraph (b), after guidance under subsection (6) there shall be inserted “ or (in the case of a report prepared by a London council) directions under subsection (6A) ”.
- (4) After subsection (4), there shall be inserted—
- “(4A) A report under this section prepared by a London council must take account of the Mayor of London’s transport strategy and the council’s local implementation plan; and—
- (a) any targets specified in such a report pursuant to subsection (2), and
- (b) any proposals contained in such a report pursuant to subsection (3), must be in conformity with that strategy and that plan.”
- (5) After subsection (6) there shall be inserted—
- “(6A) The Mayor of London may give directions or issue guidance to London councils in relation to any matter in relation to which the Secretary of State may issue guidance under subsection (6).
- (6B) The Mayor of London must not give any direction or issue any guidance under subsection (6A) which conflicts with guidance under subsection (6).
- (6C) A London council preparing a report under this section—
- (a) shall comply with any directions given under subsection (6A), and
- (b) shall have regard to any guidance issued under that subsection.”
- (6) In subsection (7)(a) (report to be sent to the Secretary of State) after Secretary of State there shall be inserted “ and, if the council is a London council, send a copy of the report to the Mayor of London ”.

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**Marginal Citations**

M270 1997 c. 54.

*Parking*

**281 Designation of paying parking places on highways.**

- (1) Section 45 of the <sup>M271</sup>Road Traffic Regulation Act 1984 (designation of paying parking places on highways) shall be amended as follows.
- (2) In subsection (1), in the second paragraph (which requires a local authority outside Greater London which is not the traffic authority to obtain the consent of the traffic authority to any designation) the words outside Greater London shall cease to have effect.
- (3) After subsection (1) there shall be inserted—

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- “(1A) Transport for London may not by virtue of subsection (1) above designate parking places on any highway which is not a GLA road.”
- (4) In subsection (7), in the definition of local authority, at the end of paragraph (a) there shall be added “ or Transport for London ”.
- (5) In subsection (7), in the definition of the local authority, after the words in whose area the site is there shall be added “unless the site is in Greater London, in which case—
- (i) if the site is on a GLA road and the parking place is, or is proposed to be, designated by Transport for London, the local authority means Transport for London;
  - (ii) if the site is on a GLA road and the parking place is, or is proposed to be, designated by the London local authority in whose area the site is, the local authority means that London local authority; and
  - (iii) if the site is on a highway which is not a GLA road, the local authority means the London local authority in whose area the site is.”
- (6) After subsection (7) there shall be added—
- “(8) In this section London local authority means the council of a London borough or the Common Council of the City of London.
- (9) For the purposes of this section and sections 46 to 55 of this Act, Transport for London’s area shall be taken to be Greater London.”

**Marginal Citations**

M271 1984 c. 27.

**282 Financial provisions relating to parking places on the highway.**

- (1) Section 55 of the <sup>M272</sup>Road Traffic Regulation Act 1984 (financial provisions relating to designation orders) shall be amended as follows.
- (2) In subsection (1)(a) (accounts in respect of parking places on the highway in the case of London borough councils and the Common Council) after in the case of there shall be inserted “ Transport for London, ”.
- (3) In subsection (3A) (London borough councils and Common Council to report to Secretary of State on action taken with respect to deficit or surplus on their parking account)—
- (a) at the beginning there shall be inserted “ Transport for London, ”; and
  - (b) for Secretary of State there shall be substituted “ Mayor of London ”.
- (4) In subsection (4) (purposes for which a surplus on a local authority’s parking account may be applied) the word and immediately preceding paragraph (d) shall be omitted and after that paragraph there shall be added—
- “(e) in the case of a London authority, meeting all or any part of the cost of the doing by the authority in their area of anything—
- (i) which facilitates the implementation of the London transport strategy, and

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- (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph;
  - (f) in the case of a London authority, the making to any other London authority of contributions towards the cost of the doing by that other authority of anything towards the doing of which in its own area the authority making the contribution has power—
    - (i) to apply any surplus on the account required to be kept under subsection (1) above; or
    - (ii) to incur expenditure required to be brought into that account.”
- (5) At the end of the section there shall be added—
- “(8) For the purpose of enabling Transport for London and any other London authorities to discharge jointly any functions conferred by virtue of subsection (4)(f) above by a joint committee established under section 101(5) of the <sup>M273</sup>Local Government Act 1972, sections 101(5) and 102 of that Act shall have effect as if Transport for London were a local authority.
- (9) In the application of this section in relation to Transport for London, any reference to its general fund shall be taken as a reference to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question.
- (10) In this section—
- London authority means Transport for London, a London borough council or the Common Council of the City of London;
- the London transport strategy means the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999.”

#### Marginal Citations

M272 1984 c. 27.

M273 1972 c. 70.

## 283 Appointment of parking adjudicators by joint committee.

- (1) Section 73 of the <sup>M274</sup>Road Traffic Act 1991 (appointment of parking adjudicators by joint committee of London authorities) shall be amended as follows.
- (2) For subsection (1) (London authorities to establish a joint committee within two months of issue of first guidance under section 63 of that Act) there shall be substituted—
- “(1) The London local authorities and Transport for London (in this section referred to as the appointing authorities) shall establish a single joint committee under section 101(5) of the <sup>M275</sup>Local Government Act 1972 (the Joint Committee) before 4th September 2000 or such later date as the Secretary of State may by order specify.

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- (1A) For the purposes of subsection (1) above, sections 101(5) and 102 of the <sup>M276</sup>Local Government Act 1972 shall have effect as if Transport for London were a local authority.”
- (3) In subsection (2) (functions of London authorities under sections 73 and 74 to be exercised by the Joint Committee) the words and section 74 of this Act shall cease to have effect.
- (4) For the words London authorities, wherever occurring, there shall be substituted “appointing authorities”.

#### Marginal Citations

- M274 1991 c. 40.  
M275 1972 c. 70.  
M276 1972 c. 70.

## 284 Fixing of certain parking and other charges.

For section 74 of the <sup>M277</sup>Road Traffic Act 1991 (fixing of certain parking and other charges for London) there shall be substituted—

### “74 Fixing of certain parking and other charges for London.

- (1) It shall be the duty—
- (a) of Transport for London, so far as relating to trunk roads or GLA roads, and
  - (b) of the London local authorities, so far as relating to other roads, to set the levels of additional parking charges to apply in London.
- (2) Before setting the level of any charges under subsection (1) above, Transport for London must consult the London local authorities.
- (3) Different levels may be set for different areas in London and for different cases or classes of case.
- (4) Transport for London and the London local authorities shall submit to the Mayor of London, for his approval, the levels of additional parking charges which they propose to set under subsection (1) above.
- (5) If—
- (a) Transport for London or, as the case may be, the London local authorities fail to discharge their duty under subsection (1) above; or
  - (b) the Mayor of London does not approve the levels of additional parking charges proposed by the London local authorities,
- the levels of additional parking charges for the roads referred to in paragraph (a) or (as the case may be) paragraph (b) of subsection (1) above shall be set by order made by the Mayor of London.
- (6) Levels of additional parking charges set in accordance with this section may only come into force in accordance with section 74A below.

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- (7) It shall be the duty of Transport for London and the London local authorities to impose additional parking charges at the levels set in accordance with the provisions of this section.
- (8) Transport for London and the London local authorities shall publish, in such manner as the Mayor of London may determine, the levels of additional parking charges which have been set in accordance with the provisions of this section.
- (9) The functions conferred on London local authorities by this section or section 74A below shall be discharged by the Joint Committee.
- (10) No person who represents Transport for London on the Joint Committee shall take any part in any proceedings of the Joint Committee so far as relating to the discharge by the Joint Committee of any functions under this section or section 74A below.
- (11) Section 122 of the <sup>M278</sup>Road Traffic Regulation Act 1984 (exercise of functions by local authorities) shall apply in relation to—
  - (a) Transport for London,
  - (b) the London local authorities, and
  - (c) the Mayor of London,
 and functions conferred on them by or under this section as it applies to local authorities and functions conferred on them by or under that Act.
- (12) In this section additional parking charges means—
  - (a) penalty charges;
  - (b) charges made by London authorities for the removal, storage and disposal of vehicles; and
  - (c) charges in respect of the release of vehicles from immobilisation devices fixed under section 69 above.

#### **74A Additional parking charges: reserve powers of Secretary of State.**

- (1) Where the Mayor of London—
  - (a) on a submission under subsection (4) of section 74 above, approves any levels of additional parking charges, or
  - (b) sets any such levels under subsection (5) of that section,
 he shall notify the Secretary of State of the levels of charges so approved or set.
- (2) Where notification of any levels of charges is required to be given under subsection (1) above, the levels of charges 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 the Mayor of London that he objects to the levels of charges on the grounds that some or all of them are or may be excessive, those levels of charges shall not come into force unless and until the objection has been withdrawn.

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- (4) If, at any time before the levels of charges required to be notified under subsection (1) above 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 charges.
- (5) Levels of charges set under subsection (4) above must be no higher than those notified under subsection (1) above.
- (6) Subsections (7) and (8) of section 74 above shall apply in relation to levels of charges set under subsection (4) above as if those levels of charges had been set in accordance with the provisions of that section—
  - (a) by Transport for London, so far as relating to GLA roads or trunk roads, or
  - (b) by the London local authorities, so far as relating to other roads.
- (7) Regulations under subsection (4) above are without prejudice to the duties imposed on Transport for London and the London local authorities by section 74(1) above; but where the Secretary of State makes any such regulations—
  - (a) Transport for London, if the regulations relate to GLA roads or trunk roads, or
  - (b) the London local authorities, if the regulations relate to other roads, must not make any further submission to the Mayor of London under section 74(4) above until after the expiration of the period of twelve months beginning with the day on which the regulations are made.”

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**Marginal Citations**

[M277 1991 c. 40.](#)  
[M278 1984 c. 27.](#)

**285 Special parking areas.**

- (1) Section 76 of the <sup>M279</sup>Road Traffic Act 1991 (special parking areas) shall be amended as follows.
- (2) After subsection (1) (applications by London authorities for orders designating special parking areas) there shall be inserted—

“(1A) An application for an order under subsection (1) above may only be made—

  - (a) by Transport for London, to the extent that the special parking area is to consist of GLA roads or trunk roads; or
  - (b) by a London local authority, to the extent that the special parking area is to consist of roads other than GLA roads and trunk roads.”
- (3) The amendment made by this section does not affect the continuing validity of any order, or any application for an order, made before the coming into force of this section.

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**Marginal Citations**

[M279 1991 c. 40.](#)

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## 286 Variation of special parking areas by the Mayor.

After section 76 of the <sup>M280</sup>Road Traffic Act 1991 (special parking areas) there shall be inserted—

### “76A Variation of special parking areas by Mayor of London.

- (1) At any time when an order under section 76 above designating the whole or any part of a London authority’s area as a special parking area is in force, the Mayor of London may by order under this subsection amend the order so as to vary the area which for the time being constitutes the special parking area.
- (2) No order may be made under subsection (1) above without the consent of every London local authority which is the traffic authority for a road which the order has the effect of bringing within, or removing from, the special parking area concerned.
- (3) An order under subsection (1) above must not be such as to bring within a special parking area—
  - (a) any area specified in an order under this paragraph made by the Secretary of State; or
  - (b) the whole or any part of a Royal Park, except with the consent of the Secretary of State.
- (4) No area may be specified in an order under subsection (3)(a) above unless the Secretary of State is satisfied that it is expedient, on grounds of national security, that no part of that area should be included in a special parking area.
- (5) In this section Royal Park means any park to which the <sup>M281</sup>Parks Regulation Act 1872 applies (see sections 1 and 3 of the <sup>M282</sup>Parks Regulation (Amendment) Act 1926).”

#### Marginal Citations

**M280** 1991 c. 40.

**M281** 1872 c. 15.

**M282** 1926 c. 36.

## 287 Interpretation of parking provisions.

- (1) Section 82 of the <sup>M283</sup>Road Traffic Act 1991 (interpretation of Part II) shall be amended as follows.
- (2) In subsection (1), for the definition of London authority there shall be substituted—
 

“London authority means—

  - (a) as respects parking, or any matter connected with or relating to parking, on a GLA road, Transport for London;
  - (b) as respects parking, or any matter connected with or relating to parking, on any road other than a GLA road or a trunk road, any council of a London borough or the Common Council of the City of London;”.
  - (3) In subsection (1), the following definitions shall be inserted at the appropriate places—



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“GLA road (subject to subsection (1C) below) has the same meaning as in the <sup>M284</sup>Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;

“GLA side road has the same meaning as in the <sup>M285</sup>Road Traffic Regulation Act 1984 (see sections 124A(9) and section 142(1) of that Act);”;

“London local authority means any council of a London borough or the Common Council of the City of London;”;

“the Mayor’s transport strategy means the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999;”;

“Minister of the Crown has the same meaning as in the Ministers of the <sup>M286</sup>Crown Act 1975;”.

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

“(1A) Any functions conferred or imposed on the Greater London Authority by or under this Part of this Act shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

(1B) Subsection (1A) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.

(1C) In this Part of this Act, any reference to a GLA road includes a reference to a GLA side road.”

(5) In subsection (6) (power to make orders or regulations to be exercisable by statutory instrument) after conferred by this Part there shall be inserted “ on a Minister of the Crown ”.

#### Commencement Information

**I54** S. 287 partly in force; s. 287 not in force at Royal Assent see s. 425(2); s. 287(1)(3)-(5) in force at 3.7.2000 by S.I. 2000/801, art. 2(2)(c) (as amended by S.I. 2000/1648, art. 3(2))

#### Marginal Citations

**M283** 1991 c. 40.

**M284** 1980 c. 66.

**M285** 1984 c. 27.

**M286** 1975 c. 26.

### *School crossing patrols, parking attendants and traffic wardens*

#### **288 School crossing patrols.**

(1) Section 26 of the <sup>M287</sup>Road Traffic Regulation Act 1984 (arrangements for patrolling school crossings) shall be amended as follows.

(2) In subsection (2) (definition of the appropriate authority)—

(a) in paragraph (a) (places not in the metropolitan police district or the City) for not in the metropolitan police district and not in the City of London there shall be substituted “ outside Greater London ”; and

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- (b) for paragraph (c) (places in the metropolitan police district) there shall be substituted—
- “(c) as respects places in a London borough, shall be the council for the borough.”
- (3) In subsection (4) (duty of certain authorities to have regard to representations made by other local authorities in their area) in paragraph (a)—
- (a) the words and the commissioner of police of the metropolis, or him and or metropolitan police district shall cease to have effect; and
- (b) after in the county there shall be inserted “ or ”.
- (4) After subsection (4) there shall be inserted—
- “(4A) Before making arrangements under subsection (1) above for the patrolling of places where children cross GLA roads, a London borough council or the Common Council of the City of London must consult Transport for London and take account of any representations made by Transport for London.”
- (5) In subsection (5) (agreements between council of a county etc and the police authority) —
- (a) after council of the county there shall be inserted “ , London borough ”; and
- (b) after in the county there shall be inserted “ , London borough ”.
- (6) In consequence of the preceding provisions of this section, section 27 of the <sup>M288</sup>Road Traffic Regulation Act 1984 (expenses under section 26 in metropolitan police district) shall cease to have effect.

#### Marginal Citations

**M287** 1984 c. 27.

**M288** 1984 c. 27.

## 289 Parking attendants.

- (1) Section 63A of the <sup>M289</sup>Road Traffic Regulation Act 1984 (parking attendants) shall be amended as follows.
- (2) In subsection (4) (parking attendants in Greater London to wear uniform prescribed by Secretary of State when exercising prescribed functions) for Secretary of State there shall be substituted “ Greater London Authority ”.
- (3) In subsection (5) (definition of local authority etc) at the end there shall be added “ except that Transport for London shall also be a local authority ”.
- (4) After subsection (5), there shall be inserted—
- “(6) For the purposes of this section, the area of Transport for London is Greater London.”

#### Marginal Citations

**M289** 1984 c. 27.

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## **290 Exercise by traffic wardens of functions of parking attendants.**

- (1) Section 95 of the <sup>M290</sup>Road Traffic Regulation Act 1984 (appointment of traffic wardens) shall be amended as follows.
- (2) After subsection (4) (which confers power to employ traffic wardens to act as parking attendants at certain street parking places) there shall be inserted—

“(4A) For the purposes of subsection (4) above, Transport for London is a local authority.”

### **Marginal Citations**

**M290** 1984 c. 27.

### *Miscellaneous and supplementary provisions*

## **291 London borough council affecting another authority’s roads.**

After section 121A of the <sup>M291</sup>Road Traffic Regulation Act 1984 there shall be inserted—

### **“121B London borough council exercising powers so as to affect another traffic authority’s roads.**

- (1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—
  - (a) a GLA road, or
  - (b) a road in another London borough,unless the requirements of subsections (2) and (3) below have been satisfied.
- (2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—
  - (a) to Transport for London; and
  - (b) in a case where the road concerned is in another London borough, to the council for that borough.
- (3) The second requirement is that—
  - (a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or
  - (b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or
  - (c) any objection made by Transport for London or the council has been withdrawn; or
  - (d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.

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- (4) Before deciding whether to give any consent for the purposes of subsection (3) (d) above, the Greater London Authority may cause a public inquiry to be held.
- (5) If Transport for London has reason to believe—
- (a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and
  - (b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,
- Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.
- (6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.
- (8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.
- (9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.
- (10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—
- (a) all or any of the London borough councils;
  - (b) all or any of the GLA roads;
  - (c) all or any of the roads which are neither GLA roads nor trunk roads;
  - (d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.
- (11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.
- (12) For the purposes of this section—
- (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.”

#### Commencement Information

**I55** S. 291 wholly in force at 3.7.2000; s. 291 not in force at Royal Assent see s. 425(2); s. 291 in force for specified purposes (8.5.2000) by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 291 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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**Marginal Citations**

M291 1984 c. 27.

**292 Interpretation of the Road Traffic Regulation Act 1984.**

- (1) The <sup>M292</sup>Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) After section 121B there shall be inserted—

**“121C Functions of GLA under this Act to be exercisable by the Mayor.**

- (1) The functions of the Greater London Authority under this Act shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (2) Subsection (1) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.”
- (3) In section 142 (general interpretation) the following definitions shall be inserted at the appropriate places in subsection (1)—
  - “GLA road (subject to subsection (4) below) has the same meaning as in the <sup>M293</sup>Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);”;
  - “GLA side road shall be construed in accordance with section 124A(9) of this Act;”;
  - “trunk road has the same meaning as in the <sup>M294</sup>Highways Act 1980 (see section 329(1) of that Act)”.
- (4) At the end of section 142 there shall be added—
  - “(4) Any reference in this Act to a GLA road includes a reference to a GLA side road.”

**Marginal Citations**

M292 1984 c. 27.

M293 1980 c. 66.

M294 1980 c. 66.

**293 Proposals for Royal Parks and highways: consultation.**

After section 132 of the <sup>M295</sup>Road Traffic Regulation Act 1984 there shall be inserted—

**“132AA Royal Parks or highways in London affected by proposals relating to the other.**

- (1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted—
  - (a) the traffic authority for the highway, and
  - (b) Transport for London,

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about the exercise of those functions in that way.

- (2) The duty imposed by subsection (1) above shall not apply if it would not be reasonably practicable for the Secretary of State to consult the traffic authority or Transport for London before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State shall inform the traffic authority and Transport for London that those functions have been so exercised.
- (3) A traffic authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.
- (4) The duty imposed by subsection (3) above shall not apply if it would not be reasonably practicable for the traffic authority to consult the Secretary of State before exercising functions; but, in such a case, as soon as practicable after so exercising functions the highway authority shall inform the Secretary of State that those functions have been so exercised.
- (5) In this section Royal Park means any park to which the <sup>M296</sup>Parks Regulation Act 1872 applies (see sections 1 and 3 of the <sup>M297</sup>Parks Regulation (Amendment) Act 1926)."

#### Marginal Citations

<sup>M295</sup> 1984 c. 27.

<sup>M296</sup> 1872 c. 15.

<sup>M297</sup> 1926 c. 36.

## 294 Repeal of certain enactments.

- (1) The following enactments shall cease to have effect—
  - (a) sections 12, 13 and 76 of the <sup>M298</sup>Road Traffic Regulation Act 1984 (experimental traffic schemes carried out in Greater London by the police);
  - (b) paragraph 53 of Schedule 4 to the <sup>M299</sup>Local Government Act 1985 (which relates to the abolition of metropolitan roads and is spent);
  - (c) Part II of Schedule 5 to the <sup>M300</sup>Local Government Act 1985 (supplementary provisions relating to road traffic) so far as relating to Greater London;
  - (d) sections 50 to 63 and 80 of, and Schedule 5 to, the <sup>M301</sup>Road Traffic Act 1991 (priority routes, local plans, trunk road plans and the Traffic Director for London).
- (2) Any guidance given by the Secretary of State under any of the provisions of the <sup>M302</sup>Local Government Act 1985 or the <sup>M303</sup>Road Traffic Act 1991 mentioned in subsection (1) above shall, until such time as it is superseded by the transport strategy, continue in force and have effect as if it were part of that strategy (and shall accordingly be subject to revocation or variation by the Mayor).
- (3) So far as relating to roads which are or become GLA roads, the Traffic Director for London's network plan under section 52 of the <sup>M304</sup>Road Traffic Act 1991 shall, until such time as it is superseded by the transport strategy, continue in force and have effect as if it were part of that strategy.

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- (4) Any trunk road local plans prepared or in the course of preparation under section 56 of the <sup>M305</sup>Road Traffic Act 1991 by the Traffic Director for London shall, until such time as they are superseded by the transport strategy, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as part of that strategy.
- (5) In subsections (6) and (7) below relevant local plans means any local plans prepared or in the course of preparation by a London borough council or the Common Council under section 54 of the <sup>M306</sup>Road Traffic Act 1991.
- (6) To the extent that they relate to roads which are or become GLA roads, within the meaning of the <sup>M307</sup>Highways Act 1980, any relevant local plans shall, until such time as they are superseded by the transport strategy, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as part of that strategy.
- (7) To the extent that they relate to roads other than those mentioned in subsection (6) above, any relevant local plans shall, until such time as they are superseded by local implementation plans under section 145 above, continue in force and have effect as if they were prepared or, as the case may be, in the course of preparation as local implementation plans under that section.
- (8) Any reference in this section to a GLA road includes a reference to a GLA side road.

#### Marginal Citations

**M298** 1984 c. 27.

**M299** 1985 c. 51.

**M300** 1985 c. 51.

**M301** 1991 c. 40.

**M302** 1985 c. 51.

**M303** 1991 c. 40.

**M304** 1991 c. 40.

**M305** 1991 c. 40.

**M306** 1991 c. 40.

**M307** 1980 c. 66.

## CHAPTER XV

### NEW CHARGES AND LEVIES

#### 295 Road user charging.

- (1) Each of the following bodies, namely—

- (a) Transport for London,
- (b) any London borough council, or
- (c) the Common Council,

may establish and operate schemes for imposing charges in respect of the keeping or use of motor vehicles on roads in its area.

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- (2) Schedule 23 to this Act (which makes provision supplementing this section) shall have effect.
- (3) For the purposes of this section and that Schedule motor vehicle has the meaning given in section 185(1) of the <sup>M308</sup>Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply for those purposes as it applies for the purposes of the Road Traffic Acts.

#### Commencement Information

**I56** S. 295 wholly in force at 3.7.2000; s. 295 not in force at Royal Assent see s. 425(2); S. 295 in force (8.5.2000) for specified purposes by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 295 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### Marginal Citations

**M308** 1988 c. 52.

### 296 Workplace parking levy.

- (1) Each of the following bodies, namely—
- (a) Transport for London,
  - (b) any London borough council, or
  - (c) the Common Council,
- may establish and operate schemes for the licensing of persons providing workplace parking places in Greater London.
- (2) Schedule 24 to this Act (which makes provision supplementing this section) shall have effect.

#### Commencement Information

**I57** S. 296 wholly in force at 3.7.2000; s. 296 not in force at Royal Assent, see s. 425(2); s. 296 in force (8.5.2000) for specified purposes by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 296 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## CHAPTER XVI

### TRANSITION FROM LONDON REGIONAL TRANSPORT TO TRANSPORT FOR LONDON

### 297 Transfers of property, rights and liabilities.

- (1) The Secretary of State shall from time to time prepare programmes for the transfer to Transport for London of property, rights and liabilities of London Regional Transport—
- (a) for the purpose of enabling Transport for London to perform its functions as they become exercisable; or
  - (b) in preparation for the dissolution of London Regional Transport;



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and in this Chapter transfer programme means a programme under this subsection.

- (2) Any powers conferred by Part XII below are exercisable for the purpose of implementing any transfer programme.
- (3) A transfer programme may include plans relating to—
  - (a) the transfer of rights and liabilities under contracts of employment;
  - (b) the provision of pensions, within the meaning of section 411 below;
  - (c) the apportionment of any property, rights or liabilities;
  - (d) the creation of rights or liabilities;
  - (e) the transfer of statutory functions;
  - (f) the exercise of any other powers under Part XII below.
- (4) A transfer programme may provide for different property, rights or liabilities to be transferred on different days.
- (5) To the extent that a transfer programme has not been implemented, it may be varied or replaced by another such programme.

## **298 Functions during the transitional period.**

- (1) In this section transitional purpose means the purpose of—
  - (a) facilitating the securing and carrying into effect of PPP agreements under Chapter VII above;
  - (b) facilitating the transfer of property, rights or liabilities of London Regional Transport to Transport for London;
  - (c) facilitating the transfer of functions, property, rights or liabilities to Transport for London from any other body or person from whom they are or may be so transferred under or by virtue of this Act;
  - (d) facilitating the exercise by Transport for London of any functions so transferred; or
  - (e) securing that public passenger transport services continue to be provided without disruption.
- (2) London Regional Transport shall be under a duty, and shall be taken at any time before the coming into force of this section to have had power, to do all such things as it considers appropriate for any transitional purpose.
- (3) In discharging their functions during the transitional period it shall be the duty of—
  - (a) the Mayor,
  - (b) London Regional Transport, and
  - (c) Transport for London,
 to consult and co-operate with each other for any transitional purpose.
- (4) The following provisions of this section have effect for the purpose of facilitating the discharge of the duty of co-operation imposed on London Regional Transport and Transport for London by subsection (3) above.
- (5) London Regional Transport and Transport for London shall each provide to the other such information as may reasonably be required by that other for the purpose of discharging any of its functions during the transitional period.

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- (6) London Regional Transport and Transport for London shall each have power to enter into arrangements with the other—
- (a) for the provision by the one for the other of administrative, technical or professional services or of passenger transport services;
  - (b) for the one to make available for use by the other, or for shared use by each of them, any land, equipment or other property;
  - (c) for the one to place any of its officers or other members of staff at the disposal of the other, for the purposes of its functions;
  - (d) for the discharge by the one of any functions of the other on its behalf.
- (7) Arrangements entered into under subsection (6) above may be on such terms as may be agreed between London Regional Transport and Transport for London.
- (8) Arrangements by virtue of paragraph (c) of subsection (6) above may only be entered into after consultation with the officers or members of staff concerned.
- (9) In this Chapter the transitional period means the period which—
- (a) begins with the coming into force of this section; and
  - (b) ends on the day on which London Regional Transport ceases to provide or secure the provision of public passenger transport services.

#### Commencement Information

**I58** S. 298 wholly in force at 3.7.2000; s. 298 not in force at Royal Assent see s. 425(2); s. 298(1)(2) in force at 12.1.2000 by S.I. 1999/3434, art. 2; s. 298 in force at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

#### 299 Fares etc during the transitional period.

- (1) If provision is made under or by virtue of this Act which has the effect of applying to any extent in relation to London Regional Transport during the transitional period—
- (a) the powers conferred on the Mayor by section 155 above, and
  - (b) the duty imposed on the Mayor by section 174 above,
- then the Mayor, in discharging that duty as so applied in relation to London Regional Transport, shall act in a way which he considers will not prejudice the financial or other interests of London Regional Transport, having regard to the financial and other interests of Transport for London.
- (2) If provision is made under or by virtue of this Act which has the effect of—
- (a) applying to any extent in relation to London Regional Transport during the transitional period any of the provisions contained in sections 240 to 243 above or Schedule 16 to this Act, and
  - (b) authorising or requiring Transport for London during the transitional period to act on behalf of London Regional Transport for the purposes of any of those provisions as so applied,
- then Transport for London, in acting on behalf of London Regional Transport for those purposes, shall do so in a way which (having regard to its own financial and other interests) it considers will not prejudice the financial or other interests of London Regional Transport.

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### 300 Continuity: repealed or revoked functions.

(1) In this section—

abolished function means any function of London Regional Transport which was conferred or imposed by a statutory provision which is repealed or revoked by or under this Act;

abolition, in relation to an abolished function, means the coming into force of the repeal or revocation of the provision conferring or imposing the function;

statutory provision means an enactment contained in—

- (a) an Act passed before the date on which London Regional Transport is dissolved or in the Session in which that date falls; or
- (b) subordinate legislation made before that date or in that Session.

(2) There may be continued by or in relation to Transport for London anything (including legal proceedings) which relates to an abolished function and is in the process of being done by or in relation to London Regional Transport immediately before the abolition of the function.

(3) Anything which—

- (a) was made or done by or in relation to London Regional Transport for the purposes of or in connection with an abolished function, and
- (b) is in effect immediately before the abolition of the function,

shall have effect as if made or done by or in relation to Transport for London.

(4) Transport for London shall be substituted for London Regional Transport in any instruments, contracts or legal proceedings which relate to an abolished function and which were made or commenced before the abolition of the function.

(5) Subsections (2) to (4) above do not apply in relation to an abolished function to the extent that the repeal or revocation of the statutory provision by which the function was conferred or imposed comes into force on terms which provide otherwise.

(6) Any reference in this section to anything made or done by or in relation to London Regional Transport includes a reference to anything which by virtue of any enactment is treated as having been made or done by or in relation to London Regional Transport.

### 301 Transfer of former functions of LTE, records and relics.

(1) Any functions of the London Transport Executive established under section 4 of the <sup>M309</sup>Transport (London) Act 1969 which, by virtue of section 67(1) of the <sup>M310</sup>London Regional Transport Act 1984 are exercisable by London Regional Transport, shall instead be exercisable by Transport for London.

(2) In section 144 of the <sup>M311</sup>Transport Act 1968 (transfer and disposal of historical records and relics) for London Regional Transport in each place where it occurs there shall be substituted “ Transport for London ”.

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#### Commencement Information

**I59** S. 301 in force at 15.7.2003 by S.I. 2003/1920, art. 2(d)

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#### Marginal Citations

- M309** 1969 c. 35.  
**M310** 1984 c. 32.  
**M311** 1968 c. 73.

### 302 Dissolution of London Regional Transport.

When the Secretary of State is satisfied that provision has been made for the transfer of all property, rights and liabilities of London Regional Transport, he may by order provide for the dissolution of London Regional Transport.

#### Commencement Information

- I60** [S.302](#) in force at Royal Assent (11.11.1999) as regards any power of a Minister of the Crown to make regulations or an order, see [s.425\(2\)](#)

### 303 Interpretation of Chapter XVI.

In this Chapter—

- transfer programme has the meaning given by section 297(1) above;
- the transitional period has the meaning given by section 298(9) above.

#### Commencement Information

- I61** [S. 303](#) partly in force; [s. 303](#) not in force at Royal Assent see [s. 425\(2\)](#); [s. 303](#) in force (1.4.2000) for specified purposes by [S.I. 2000/801](#), [art. 2\(2\)\(a\)](#), [Sch. Pt. 1](#)
- I62** [S. 303](#) in force at 15.7.2003 in so far as not already in force by [S.I. 2003/1920](#), [art. 2\(e\)](#)

## PART V

### THE LONDON DEVELOPMENT AGENCY

### 304 Appointment of members by the Mayor.

In section 2 of the <sup>M312</sup>Regional Development Agencies Act 1998 (constitution of the regional development agencies) after subsection (5) there shall be inserted—

- “(6) Subsection (3)(d) does not apply in relation to the London Development Agency.
- (7) Subsections (1) to (4), apart from subsection (3)(d), have effect in relation to the London Development Agency—
  - (a) as if references to the Secretary of State were references to the Mayor of London, and
  - (b) subject to subsections (8) to (11).
- (8) The Mayor of London must also consult the London Assembly before making an appointment under subsection (1).

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- (9) The Mayor of London may only make an appointment under subsection (1) if, after the appointment takes effect, there will be at least four members of the London Development Agency who are, or were at the time of their appointment, elected members of—
- (a) the London Assembly,
  - (b) a London borough council, or
  - (c) the Common Council of the City of London.
- (10) The Mayor of London may only make an appointment under subsection (1) if, after the appointment takes effect, at least half of the members of the London Development Agency will be persons who appear to the Mayor to be persons who have experience of running a business.
- (11) The Mayor of London may only designate a person under subsection (4)(a) to be the chairman of the London Development Agency if that person appears to the Mayor to be a person who has experience of running a business.”

#### Commencement Information

**I63** S. 304 wholly in force at 3.7.2000; s. 304 not in force at Royal Assent, see s. 425(2); s. 304 in force for specified purposes (8.5.2000) by S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2; s. 304 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

#### Marginal Citations

**M312** 1998 c. 45.

### 305 Delegation of functions by Ministers to the Mayor.

- (1) In section 6 of the <sup>M313</sup>Regional Development Agencies Act 1998 (delegation of functions by Ministers to regional development agencies) after subsection (6) there shall be inserted—

“(7) The power of a Minister of the Crown to delegate a function under this section to the London Development Agency has effect subject to section 6A.”

- (2) After that section there shall be inserted—

#### “6A Delegation of functions to the Mayor of London and the London Development Agency.

- (1) The power of a Minister of the Crown under section 6(1) to delegate a function—
- (a) may be exercised to delegate the function to the Mayor of London instead of to the London Development Agency, and
  - (b) may only be exercised to delegate the function to the London Development Agency with the consent of the Mayor of London.
- (2) Where a Minister of the Crown delegates a function to the Mayor of London under section 6(1) by virtue of subsection (1)(a)—
- (a) section 6(3) and (4), and
  - (b) Schedule 3,

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have effect in relation to the delegation as if the Mayor of London were for this purpose a regional development agency.

(3) In any case where—

- (a) a function has been delegated to the Mayor of London under section 6(1) by virtue of subsection (1)(a), and
- (b) the Mayor of London, by an authorisation given in accordance with section 38 of the Greater London Authority Act 1999, makes the function exercisable by the London Development Agency,

the authorisation must be made subject to such conditions as are necessary to ensure that any conditions subject to which the function is delegated to him are also imposed on the London Development Agency.”

**Marginal Citations**

M313 1998 c. 45.

**306 The London Development Agency strategy.**

(1) In section 7 of the <sup>M314</sup>Regional Development Agencies Act 1998 (duty of regional development agencies to formulate a strategy) after subsection (3) there shall be inserted—

“(4) Subsections (1) and (2) do not apply in relation to the London Development Agency.”

(2) After that section there shall be inserted—

**“7A The London Development Agency strategy.**

- (1) The London Development Agency shall formulate and submit to the Mayor of London (referred to in this section and section 7B as “the Mayor”) a draft strategy in relation to its purposes.
- (2) As soon as reasonably practicable after the draft strategy has been submitted to the Mayor, the Mayor shall prepare and publish a document to be known as the “London Development Agency strategy”.
- (3) The London Development Agency strategy published under subsection (2) shall be the draft strategy submitted to the Mayor under subsection (1), with such modifications (if any) as he considers appropriate.
- (4) The London Development Agency shall keep the London Development Agency strategy under review and may submit proposed revisions of it to the Mayor.
- (5) The London Development Agency and each of—
  - (a) Transport for London,
  - (b) the Metropolitan Police Authority, and
  - (c) the London Fire and Emergency Planning Authority,
 shall in the exercise of any function have regard to the London Development Agency strategy.

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- (6) The Mayor may give the London Development Agency guidance and directions, in particular, with respect—
  - (a) to the preparation, content and submission of the draft strategy under subsection (1), or
  - (b) to keeping the London Development Agency strategy under review.
- (7) Where the Mayor revises the London Development Agency strategy, he shall publish it as revised.
- (8) Before publishing the London Development Agency strategy the Mayor shall consult—
  - (a) the persons whom he is required to consult by virtue of section 42 of the Greater London Authority Act 1999, and
  - (b) the persons mentioned in section 2(3)(b) and (c).
- (9) In this Act and the Greater London Authority Act 1999, references to the London Development Agency strategy include, except where the context otherwise requires, a reference to the London Development Agency strategy as revised.”

**Marginal Citations**

M314 1998 c. 45.

**307 Secretary of State’s functions in relation to the strategy.**

After section 7A of the <sup>M315</sup>Regional Development Agencies Act 1998 there shall be inserted—

**“7B Secretary of State’s functions in relation to the London Development Agency strategy.**

- (1) The Secretary of State may give guidance to the Mayor about the exercise of his functions in relation to the London Development Agency strategy with respect to—
  - (a) the matters to be covered by that strategy or that strategy as revised, and
  - (b) the issues to be taken into account in preparing or revising that strategy.
- (2) Section 7(3) applies in relation to the issues mentioned in subsection (1)(b) as it applies in relation to the issues mentioned in section 7(2)(b).
- (3) The Mayor is to have regard to any guidance given under subsection (1).
- (4) Where the Secretary of State considers—
  - (a) that the London Development Agency strategy (or any part of it) is inconsistent with national policies, or
  - (b) that the London Development Agency strategy or its implementation is having, or is likely to have, a detrimental effect on any area outside Greater London,

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he may direct the Mayor to make such revisions of the strategy as may be specified in the direction in order to remove the inconsistency or, as the case may be, the detrimental effect or likely detrimental effect.

- (5) Where the Secretary of State gives the Mayor a direction under subsection (4), the Mayor shall revise the London Development Agency strategy in accordance with the direction.
- (6) Where the Mayor revises the London Development Agency strategy in accordance with subsection (5), section 7A(8) and section 42 of the <sup>M316</sup>Greater London Authority Act 1999 (consultation about strategies) shall not apply.
- (7) For the purposes of this section “national policies” are any policies of Her Majesty’s government which are available in a written form and which—
  - (a) have been laid or announced before, or otherwise presented to, either House of Parliament, or
  - (b) have been published by a Minister of the Crown.”

**Marginal Citations**

**M315** 1998 c. 45.

**M316** 1999 c. 29.

**308 Audit.**

In section 15 of the <sup>M317</sup>Regional Development Agencies Act 1998 (audit of the regional development agencies) after subsection (3) of that section there shall be inserted—

- “(4) Subsections (1) to (3) do not apply to the London Development Agency (whose accounts are, by virtue of paragraph 1(bc) of Schedule 2 to the <sup>M318</sup>Audit Commission Act 1998, to be audited in accordance with that Act).
- (5) The London Development Agency shall send a copy of its audited accounts to the Mayor of London and the Chair of the London Assembly.”

**Marginal Citations**

**M317** 1998 c. 45.

**M318** 1998 c. 18.

**309 Further amendments of the Regional Development Agencies Act 1998.**

Schedule 25 to this Act (further amendments of the <sup>M319</sup>Regional Development Agencies Act 1998 relating to the Mayor of London and the London Development Agency) shall have effect.

**Marginal Citations**

**M319** 1998 c. 45.



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## PART VI

### POLICE AND PROBATION SERVICES

#### *The Metropolitan Police Authority and its police force*

#### **310 Establishment, membership and duty to maintain police force.**

(1) After section 5 of the <sup>M320</sup>Police Act 1996 there shall be inserted—

*“ The metropolitan police force*

##### **5A Maintenance of the metropolitan police force.**

A police force shall be maintained for the metropolitan police district.

##### **5B Establishment of the Metropolitan Police Authority.**

- (1) There shall be a police authority for the metropolitan police district.
- (2) The police authority established under this section shall be a body corporate to be known as the Metropolitan Police Authority.

##### **5C Membership etc of the Metropolitan Police Authority.**

- (1) The Metropolitan Police Authority shall consist of twenty three members (subject to subsection (2)).
- (2) The Secretary of State may by order provide that the number of members of the Metropolitan Police Authority shall be a specified odd number not less than seventeen.
- (3) Before making an order under subsection (2) which reduces the number of members of the Metropolitan Police Authority, the Secretary of State shall consult—
  - (a) the Greater London Authority;
  - (b) the Metropolitan Police Authority; and
  - (c) 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 <sup>M321</sup>Peace Act 1997 (which, by virtue of paragraph 5(b) of Schedule 2A to this Act, appoints magistrates to be members of the Metropolitan Police Authority).
- (4) An order under subsection (2) which reduces the number of members of the Metropolitan Police Authority may include provision as to the termination of the appointment of the existing members of the Metropolitan Police Authority and the making of new appointments or re-appointments.
- (5) A statutory instrument containing an order under subsection (2) shall be laid before Parliament after being made.

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- (6) Schedules 2A and 3 shall have effect in relation to the Metropolitan Police Authority and the appointment of its members.

*The metropolitan police and forces outside London.”*

- (2) After Schedule 2 to the <sup>M322</sup>Police Act 1996 there shall be inserted the Schedule 2A set out in Schedule 26 to this Act.

#### Commencement Information

**I64** [S. 310](#) wholly in force at 3.7.2000: by virtue of s. 425(2), s. 310 in force at Royal Assent so far as it confers any power on a Minister of the Crown to make regulations or an order; [s. 310](#) in force for certain purposes at 1.1.2000 by [S.I. 1999/3271](#), [art. 3\(a\)](#); [s. 310](#) in force for specified purposes on "the operative date" (as defined in [S.I. 2000/1095](#), [art. 1](#)) and in so far as not already in force at 3.7.2000 by [S.I. 2000/1095](#), [art. 4\(2\)\(a\)](#) (with arts. 5, 6)

#### Marginal Citations

**M320** 1996 c. 16.  
**M321** 1997 c. 25.  
**M322** 1996 c. 16.

### 311 Assimilation of general functions to those of other police authorities.

In section 6 of the <sup>M323</sup>Police Act 1996 (general functions of a police authority to include securing the maintenance of an efficient and effective police force for its area) 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.”

#### Marginal Citations

**M323** 1996 c. 16.

### 312 Metropolitan Police Authority to be police authority instead of Secretary of State.

- (1) Section 101 of the <sup>M324</sup>Police Act 1996 (interpretation) shall be amended as follows.
- (2) In the definition of “police authority”, in paragraph (b), for “Secretary of State” there shall be substituted “Metropolitan Police Authority”.
- (3) In the definition of “police fund”—
- (a) in paragraph (a), after “force maintained under section 2” there shall be inserted “or the metropolitan police force”, and
  - (b) paragraph (b) shall cease to have effect.

#### Marginal Citations

**M324** 1996 c. 16.

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### 313 Openness.

- (1) Section 100J of the <sup>M325</sup>Local Government Act 1972 (access to meetings and documents: application of Part VA to certain authorities as to principal councils) shall be amended as follows.
- (2) In subsection (1) (which lists the bodies to which the Part is applied) after paragraph (e) there shall be inserted—  
“(eza) the Metropolitan Police Authority;”.
- (3) In subsection (3) (modifications of section 100A(6)(a) relating to council premises in the case of certain bodies specified in paragraphs of subsection (1)) after “(e),” there shall be inserted “(eza),”.
- (4) In subsection (4) (application of section 100G(1)(a) relating to registers of members in the <sup>M326</sup>case of certain bodies specified in subsection (1)) in paragraph (a), after “Police Act 1996” there shall be inserted “ or the Metropolitan Police Authority ”.

#### Marginal Citations

M325 1972 c. 70.

M326 1996 c. 16.

### Commissioners and Commanders

### 314 General functions of the Commissioner.

After section 9 of the <sup>M327</sup>Police Act 1996 there shall be inserted—

#### “9A General functions of the Commissioner of Police of the Metropolis.

- (1) The metropolitan police force shall be under the direction and control of the Commissioner of Police of the Metropolis appointed under section 9B.
- (2) In discharging his functions, the Commissioner of Police of the Metropolis shall have regard to the local policing plan issued by the Metropolitan Police Authority under section 8.”

#### Marginal Citations

M327 1996 c. 16.

### 315 Appointment of Commissioner.

After section 9A of the <sup>M328</sup>Police Act 1996 there shall be inserted—

#### “9B Appointment of Commissioner of Police of the Metropolis.

- (1) There shall be a Commissioner of Police of the Metropolis.
- (2) Any appointment of a Commissioner of Police of the Metropolis shall be made by Her Majesty by warrant under Her sign manual.

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- (3) A person appointed as Commissioner of Police of the Metropolis shall hold office at Her Majesty's pleasure.
- (4) Any appointment of a Commissioner of Police of the Metropolis shall be subject to regulations under section 50.
- (5) Before recommending to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis, the Secretary of State shall have regard to—
  - (a) any recommendations made to him by the Metropolitan Police Authority; and
  - (b) any representations made to him by the Mayor of London.
- (6) Any functions exercisable by the Mayor of London under subsection (5) may only be exercised by him personally.”

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**Marginal Citations**

M328 1996 c. 16.

### 316 Functions of the Deputy Commissioner.

After section 9B of the <sup>M329</sup>Police Act 1996 there shall be inserted—

**“9C Functions of Deputy Commissioner of Police of the Metropolis.**

- (1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
  - (a) during any absence, incapacity or suspension from duty of the Commissioner,
  - (b) during any vacancy in the office of the Commissioner, or
  - (c) at any other time, with the consent of the Commissioner.
- (2) The Deputy Commissioner of Police of the Metropolis shall not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.
- (3) The Deputy Commissioner of Police of the Metropolis shall also have all the powers and duties of an Assistant Commissioner of Police of the Metropolis.”

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**Marginal Citations**

M329 1996 c. 16.

### 317 Appointment of Deputy Commissioner.

After section 9C of the <sup>M330</sup>Police Act 1996 there shall be inserted—

**“9D Appointment of Deputy Commissioner of Police of the Metropolis.**

- (1) There shall be a Deputy Commissioner of Police of the Metropolis.

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- (2) Any appointment of a Deputy Commissioner shall be made by Her Majesty by warrant under Her sign manual.
- (3) A person appointed as the Deputy Commissioner shall hold office at Her Majesty's pleasure.
- (4) Any appointment of a Deputy Commissioner shall be subject to regulations under section 50.
- (5) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner, the Secretary of State shall have regard to—
  - (a) any recommendations made to him by the Metropolitan Police Authority; and
  - (b) any representations made to him by the Commissioner.
- (6) In this section—

“the Commissioner” means the Commissioner of Police of the Metropolis;

“Deputy Commissioner” means Deputy Commissioner of Police of the Metropolis.”

**Marginal Citations**

M330 1996 c. 16.

**318 Removal of Commissioner or Deputy Commissioner.**

After section 9D of the <sup>M331</sup>Police Act 1996 there shall be inserted—

**“9E Removal of Commissioner or Deputy Commissioner.**

- (1) The Metropolitan Police Authority, acting with the approval of the Secretary of State, may call upon the Commissioner of Police of the Metropolis to retire in the interests of efficiency or effectiveness.
- (2) Before seeking the approval of the Secretary of State under subsection (1), the Metropolitan Police Authority shall give the Commissioner of Police of the Metropolis an opportunity to make representations and shall consider any representations that he makes.
- (3) Where the Commissioner of Police of the Metropolis is called upon to retire under subsection (1), he shall retire on such date as the Metropolitan Police Authority may specify or on such earlier date as may be agreed upon between him and the Authority.
- (4) This section shall apply in relation to the Deputy Commissioner of Police of the Metropolis as it applies to the Commissioner of Police of the Metropolis.
- (5) This section is without prejudice to—
  - (a) section 9B(3),
  - (b) section 9D(3),
  - (c) any regulations under section 50, or

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(d) any regulations under the <sup>M332</sup>Police Pensions Act 1976.”

**Marginal Citations**

**M331** 1996 c. 16.

**M332** 1976 c. 35.

**319 Appointment, removal and functions of Assistant Commissioners.**

After section 9E of the <sup>M333</sup>Police Act 1996 there shall be inserted—

**“9F Assistant Commissioners of Police of the Metropolis.**

- (1) The ranks that may be held in the metropolitan police force shall include that of Assistant Commissioner of Police of the Metropolis (“Assistant Commissioner”).
- (2) Any appointment of an Assistant Commissioner shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
- (3) Subsections (1) to (3) of section 9E shall apply in relation to an Assistant Commissioner as they apply to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) is without prejudice to—
  - (a) any regulations under section 50, or
  - (b) any regulations under the <sup>M334</sup>Police Pensions Act 1976.
- (5) An Assistant Commissioner may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner.
- (6) Subsection (5) is without prejudice to any regulations under section 50.”

**Marginal Citations**

**M333** 1996 c. 16.

**M334** 1976 c. 35.

**320 Appointment and removal of Commanders.**

After section 9F of the <sup>M335</sup>Police Act 1996 there shall be inserted—

**“9G Commanders.**

- (1) The ranks that may be held in the metropolitan police force shall include that of Commander.
- (2) Any appointment of a Commander in the metropolitan police force shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.

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- (3) Subsections (1) to (3) of section 9E shall apply in relation to a Commander in the metropolitan police force as they apply to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) is without prejudice to—
  - (a) any regulations under section 50, or
  - (b) any regulations under the <sup>M336</sup>Police Pensions Act 1976.’’

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**Marginal Citations**

**M335** 1996 c. 16.

**M336** 1976 c. 35.

### **321 Continuation in post of Commissioners and Commanders.**

- (1) Any appointment of a person as the Commissioner of Police of the Metropolis under section 1 of the <sup>M337</sup>Metropolitan Police Act 1829 which is in force immediately before the coming into force of section 315 above shall have effect as from the coming into force of that section as the appointment of that person as the Commissioner of Police of the Metropolis under and in accordance with section 9B of the <sup>M338</sup>Police Act 1996.
- (2) If, immediately before the coming into force of section 317 above, there is in force in respect of a person who is one of the Assistant Commissioners of Police of the Metropolis an authorisation under section 8 of the <sup>M339</sup>Metropolitan Police Act 1856 (authorisation of one of the Assistant Commissioners to act as Commissioner in case of vacancy, illness or absence) that person shall be taken, as from the coming into force of section 317 above, to have been appointed as the Deputy Commissioner of Police of the Metropolis under and in accordance with section 9D of the <sup>M340</sup>Police Act 1996.
- (3) Any appointment of a person (other than a person in relation to whom subsection (2) above has effect) as an Assistant Commissioner of Police of the Metropolis under section 2 of the <sup>M341</sup>Metropolitan Police Act 1856 which is in force immediately before the coming into force of section 319 above shall have effect as from the coming into force of that section as the appointment of that person as an Assistant Commissioner of Police of the Metropolis under and in accordance with section 9F of the <sup>M342</sup>Police Act 1996.
- (4) Any appointment of a person as a Commander in the metropolitan police force which is in force immediately before the coming into force of section 320 above shall have effect as from the coming into force of that section as the appointment of that person as a Commander under and in accordance with section 9G of the <sup>M343</sup>Police Act 1996.

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**Marginal Citations**

**M337** 1829 c. 44.

**M338** 1996 c. 16.

**M339** 1856 c. 2.

**M340** 1996 c. 16.

**M341** 1856 c. 2.

**M342** 1996 c. 16.

**M343** 1996 c. 16.

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### *Other members*

#### **322 Other members of the metropolitan police force.**

After section 9G of the <sup>M344</sup>Police Act 1996 there shall be inserted—

##### **“9H Other members of the metropolitan police force.**

- (1) The ranks that may be held in the metropolitan police force shall be such as may be prescribed by regulations under section 50.
- (2) The ranks so prescribed in the case of the metropolitan police force shall include, in addition to the ranks of—
  - (a) Commissioner of Police of the Metropolis,
  - (b) Deputy Commissioner of Police of the Metropolis,
  - (c) Assistant Commissioner of Police of the Metropolis, and
  - (d) Commander,
 those of superintendent, chief inspector, inspector, sergeant and constable.
- (3) In the metropolitan police force, appointments and promotions to any rank below that of Commander shall be made in accordance with regulations under section 50 by the Commissioner of Police of the Metropolis.”

#### **Marginal Citations**

**M344** 1996 c. 16.

### *The metropolitan police district*

#### **323 Alteration of the metropolitan police district.**

In section 76 of the <sup>M345</sup>London Government Act 1963, for subsection (1) (which defines the metropolitan police district so as to include certain areas of Essex, Hertfordshire and Surrey) there shall be substituted—

“(1) The metropolitan police district shall consist of Greater London, excluding the City of London, the Inner Temple and the Middle Temple.”

#### **Marginal Citations**

**M345** 1963 c. 33.

#### **324 Secondments to meet demands caused by the boundary change.**

- (1) The Commissioner of Police of the Metropolis may, on the application of the chief officer of police of a police force maintained under section 2 of the <sup>M346</sup>Police Act 1996 for the police area of Essex, Hertfordshire or Surrey, provide for that force constables from the metropolitan police force.



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- (2) An application under subsection (1) above may only be made for the purpose of, or otherwise in connection with, meeting the demands placed, or reasonably expected to be placed, on the resources of the police force in question in consequence of the change effected as a result of section 323 above in the police area for which that force is maintained.
- (3) While a constable is provided under this section for a police force, he shall be under the direction and control of the chief officer of police of that force, notwithstanding section 9A(1) of the <sup>M347</sup>Police Act 1996 (metropolitan police force to be under the direction and control of the Commissioner) or any other enactment relating to the direction or control of the metropolitan police force.
- (4) The police authority maintaining a police force for which constables are provided under this section shall pay to the police authority maintaining the metropolitan police force such contribution as may be agreed upon between those authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.
- (5) This section is without prejudice to any other power of a chief officer of police to provide constables or other assistance to another police force.
- (6) Expressions used in this section and in the <sup>M348</sup>Police Act 1996 have the same meaning in this section as they have in that Act.

**Marginal Citations**

- M346 1996 c. 16.
- M347 1996 c. 16.
- M348 1996 c. 16.

*Miscellaneous police amendments*

**325 Further amendments relating to metropolitan police etc.**

Schedule 27 to this Act (which makes further amendments relating to the metropolitan police etc) shall have effect.

**Commencement Information**

- I65 S. 325 partly in force; s. 325 not in force at Royal Assent see s. 425(2); s. 325 in force for specified purposes at 1.1.2000 and 1.4.2000 by S.I. 1999/3271, art. 3(b), 4(b) and in force for specified purposes (3.7.2000) by S.I. 2000/1648, art. 2, Sch.

*The probation service*

F119 **326** .....

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#### Textual Amendments

**F119** S. 326 repealed (1.4.2001) by 2000 c. 43, s. 75, **Sch. 8**; S.I. 2001/919, **art. 2(g)**, table

### *The Receiver for the Metropolitan Police District*

#### **327 Abolition of office of Receiver.**

- (1) When the Secretary of State is satisfied that—
- (a) provision has been made such that no statutory functions remain, or are to remain, exercisable by the Receiver (whether as a consequence of provision made by or under this Act, the <sup>M349</sup>Access to Justice Act 1999 or any other enactment whenever passed), and
  - (b) provision has been made for the transfer of all property, rights and liabilities of the Receiver (whether under Part XII below or by or under the Access to Justice Act 1999 or any other enactment whenever passed),
- the Secretary of State may by order provide for the abolition of the office of the Receiver.
- (2) In subsection (1) above references to the Receiver are references to the Receiver for the Metropolitan Police District.

#### Commencement Information

**I66** S.327 partly in force: s.327 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2)

#### Marginal Citations

**M349** 1999 c. 22.

## PART VII

### THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

#### **328 Reconstitution of the Fire etc Authority.**

- (1) Section 27 of the <sup>M350</sup>Local Government Act 1985 (which established the London Fire and Civil Defence Authority) shall cease to have effect.
- (2) Notwithstanding the repeal of that section, the body corporate established by it (in this Act referred to as “the Fire etc Authority”) shall continue in being and shall, instead of being known as the London Fire and Civil Defence Authority, be known as the London Fire and Emergency Planning Authority.
- (3) Any appointment to the Fire etc Authority in pursuance of section 27 of the <sup>M351</sup>Local Government Act 1985 shall cease to have effect on the reconstitution day.
- (4) As from the reconstitution day, the Fire etc Authority shall be reconstituted in accordance with the provisions of Schedule 28 to this Act.

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- (5) In construing in any enactment (whenever passed or made) any reference to, or any reference which includes a reference to, an authority established by Part IV of the <sup>M352</sup>Local Government Act 1985 (however framed), the Fire etc Authority shall be taken on and after the reconstitution day to be an authority established otherwise than under that Part.
- (6) Without prejudice to anything in section 15, 16 or 17 of the <sup>M353</sup>Interpretation Act 1978, nothing in subsection (5) above—
- (a) revives anything not in force or existing on the reconstitution day;
  - (b) affects the previous operation of any enactment or anything duly done or suffered before the reconstitution day;
  - (c) affects any right, privilege, obligation or liability acquired, accrued or incurred before the reconstitution day;
  - (d) affects any penalty, forfeiture or punishment incurred in respect of any offence committed before the reconstitution day;
  - (e) affects any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if subsection (5) above had not been enacted.
- (7) Subject to the other provisions of this Act, any reference to, and any reference which includes a reference to, the Fire etc Authority in any Act or other document shall be construed in accordance with the preceding provisions of this section.
- (8) Schedule 29 to this Act (which amends certain enactments relating to the Fire etc Authority and repeals spent provisions applying such enactments to authorities in Greater London which have been abolished) shall have effect.
- (9) In this section and Schedule 28 to this Act—
- “enactment” includes an enactment comprised in subordinate legislation;
  - “the reconstitution day” means such day as the Secretary of State may by order appoint for the purpose.

#### Commencement Information

**I67** S. 328 wholly in force at 3.7.2000; s. 328 in force at Royal Assent (11.11.1999) for certain purposes see s. 425(2); s. 328 in force for certain further purposes (1.5.2000) by S.I. 2000/1094, art. 3(a); s. 328 in force (3.7.2000) in so far as not already in force by S.I. 2000/1094, art. 4(a)

#### Marginal Citations

**M350** 1985 c. 51.  
**M351** 1985 c. 51.  
**M352** 1985 c. 51.  
**M353** 1978 c. 30.

### 329 Role as the fire authority for Greater London.

- (1) Schedule 11 to the <sup>M354</sup>Local Government Act 1985 (police and fire services) shall be amended as follows.

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- (2) In paragraph 2(1) (London Fire and Civil Defence Authority to be the fire authority for Greater London) for “London Fire and Civil Defence Authority” there shall be substituted “ London Fire and Emergency Planning Authority ”.
- (3) In paragraph 2(4) (which provides that references in the <sup>M355</sup>Metropolitan Fire Brigade Act 1865 to the Metropolitan Board of Works are to be construed as references 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 ”.

**Marginal Citations**

**M354** 1985 c. 51.

**M355** 1865 c. 90.

**330 Civil defence.**

- (1) In section 62 of the <sup>M356</sup>Civil Defence Act 1939 (power of local authorities etc to appropriate land and buildings for the purposes of civil defence) in subsection (1A)(a) (meaning in England and Wales of “local authority” in the first place where it occurs in subsection (1)(b)) after “includes” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.
- (2) In section 9(1) of the <sup>M357</sup>Civil Defence Act 1948 (general definitions) in the definition of “local authority” as respects England and Wales, after paragraph (a) there shall be inserted—
  - “(a1) the London Fire and Emergency Planning Authority;”.

**Marginal Citations**

**M356** 1939 c. 31.

**M357** 1948 c. 5.

**331 Openness.**

- (1) Section 100J of the <sup>M358</sup>Local Government Act 1972 (access to meetings and documents: application of Part VA to joint authorities etc as to principal councils) shall be amended as follows.
- (2) In subsection (1) (which lists the bodies to which the Part is applied) after paragraph (b) there shall be inserted—
  - “(bb) the London Fire and Emergency Planning Authority;”.
- (3) In subsection (2) (joint boards and joint committees of certain bodies) in the words following paragraph (b), after “(b)” there shall be inserted “ , (bb) ”.
- (4) In subsection (3) (modifications of section 100A(6)(a) relating to council premises in the case of certain bodies specified in paragraphs of subsection (1)) after “(b),” there shall be inserted “ (bb), ”.

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(5) After subsection (4) (application of section 100G(1)(a) relating to registers of members in the case of certain bodies specified in subsection (1)) there shall be inserted—

“(4A) In its application by virtue of subsection (1)(bb) above in relation to the London Fire and Emergency Planning Authority, section 100G(1)(a) shall have effect with the substitution for the words “the ward or division which he represents” of the words “whether he is an Assembly representative or a borough representative, and—

- (i) if he is an Assembly representative, whether he is a London member or a constituency member and, if a constituency member, the Assembly constituency for which he is a member; or
- (ii) if he is a borough representative, the council of which he is a member (whether a London borough council or the Common Council).”

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**Marginal Citations**  
M358 1972 c. 70.

### 332 Discharge of functions.

(1) In section 101 of the <sup>M359</sup>Local Government Act 1972 (arrangements for discharge of functions by local authorities) in subsection (13) (meaning of “local authority” in Part VI) after “Under Treasurer of the Middle Temple,” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.

(2) In section 104 of that Act (disqualification for membership of committees and joint committees) after subsection (4) there shall be inserted—

“(5) In the application of this section to the London Fire and Emergency Planning Authority, the reference to a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be treated as if it included a reference to a person who is disqualified under section 21 of the Greater London Authority Act 1999 from being elected or being the Mayor of London or a member of the London Assembly.”

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**Marginal Citations**  
M359 1972 c. 70.

### 333 Miscellaneous powers and duties.

In section 146A of the <sup>M360</sup>Local Government Act 1972 (which for the purposes of certain provisions of Part VII treats a joint authority or the Inner London Education Authority as a local authority or a principal council) in subsection (1), after “a joint authority” there shall be inserted “ , the London Fire and Emergency Planning Authority ”.

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#### Marginal Citations

M360 1972 c. 70.

## PART VIII

### PLANNING

#### *The Mayor’s spatial development strategy*

#### **334 The spatial development strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “spatial development strategy”.
- (2) The spatial development strategy must include a statement formulating the Mayor’s strategy for spatial development in Greater London.
- (3) For the purposes of this Part, the Mayor’s strategy for spatial development includes his general policies in respect of the development and use of land in Greater London.
- (4) The spatial development strategy must include statements dealing with the general spatial development aspects of—
  - (a) such of the other strategies prepared and published, or to be prepared and published, under the enactments mentioned in section 41(1) above as involve considerations of spatial development, and
  - (b) such of the Mayor’s other policies or proposals as involve such considerations, whether or not the strategy, policy or proposal relates to the development or use of land.
- (5) The spatial development strategy must deal only with matters which are of strategic importance to Greater London.
- (6) In determining for the purposes of this Part whether a matter is of strategic importance to Greater London, it is immaterial whether or not the matter affects the whole area of Greater London.
- (7) The spatial development strategy must contain such diagrams, illustrations or other descriptive or explanatory matter relating to its contents as may be prescribed by regulations under section 343 below.
- (8) The spatial development strategy may make different provision for different cases or for different parts of Greater London.

#### **335 Public participation.**

- (1) When preparing the spatial development strategy, the Mayor shall—
  - (a) prepare a draft of his proposals for the spatial development strategy;
  - (b) make that draft available to the Assembly and the functional bodies; and
  - (c) consult the Assembly and the functional bodies about the proposals.

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- (2) After the consultation required by subsection (1)(c) above and before finally determining the contents of the spatial development strategy, the Mayor shall—
- (a) prepare a draft of his proposed spatial development strategy;
  - (b) make copies available for inspection at such places as may be prescribed by regulations under section 343 below;
  - (c) send a copy to each of the bodies and persons specified in subsection (3) below;
  - (d) comply with any requirements imposed by regulations under section 343 below; and
  - (e) consider any representations made in accordance with the regulations.
- (3) The bodies and persons mentioned in subsection (2)(c) above are—
- (a) the Secretary of State;
  - (b) every London borough council;
  - (c) the council of any county or district whose area adjoins Greater London and is affected by the proposed spatial development strategy;
  - (d) such other persons or bodies as may be prescribed by regulations under section 343 below; and
  - (e) any other body to which, or person to whom, the Mayor considers it appropriate to send a copy.
- (4) In determining the bodies to which or persons to whom it is appropriate to send a copy of the strategy under subsection (3)(e) above (if any), the bodies to which and the persons to whom the Mayor considers sending a copy must include bodies of each of the descriptions specified in section 32(3) above.
- (5) Each copy made available for inspection or sent under subsection (2) above shall be accompanied by a statement of the prescribed period within which representations may be made to the Mayor.
- (6) The persons who may make representations in accordance with the regulations include, in particular, the bodies and persons specified in subsection (3) above.
- (7) In this Part “representations made in accordance with the regulations” means representations made—
- (a) in accordance with regulations made under section 343 below; and
  - (b) within the prescribed period.
- (8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations made under section 343 below.

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#### Commencement Information

**I68** S.335 wholly in force at 3.7.2000: s.335 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 335 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

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### **336 Withdrawal.**

- (1) The proposed spatial development strategy prepared under section 335(2)(a) above may be withdrawn by the Mayor at any time before he publishes the spatial development strategy.
- (2) On the withdrawal of the proposed spatial development strategy, the Mayor shall—
  - (a) withdraw the copies made available for inspection in accordance with section 335 above; and
  - (b) give notice that the proposed spatial development strategy has been withdrawn to every body or person falling within subsection (3) below.
- (3) Those bodies and persons are—
  - (a) the Assembly;
  - (b) each of the functional bodies;
  - (c) each of the bodies and persons specified in section 335(3) above; and
  - (d) every body which, or person who, made representations in accordance with the regulations.
- (4) This section does not affect the duty to prepare and publish a spatial development strategy in accordance with the provisions of this Part.

### **337 Publication.**

- (1) Subject to the following provisions of this section, the Mayor may publish the spatial development strategy.
- (2) The spatial development strategy published by the Mayor must be in the form of the proposed spatial development strategy under section 335(2)(a) above, either as originally prepared or as modified to take account of—
  - (a) any representations made in accordance with the regulations;
  - (b) any direction given under subsection (7) below and not withdrawn;
  - (c) any report made under section 338 below by a person conducting an examination in public; or
  - (d) any other material considerations.
- (3) Subsection (2) above is subject to the following provisions of this section.
- (4) The spatial development strategy must not be published by the Mayor until after—
  - (a) he has considered any representations made in accordance with the regulations, or
  - (b) if no such representations are made, the expiry of the prescribed period,
 and, in either case, if an examination in public is to be held under section 338 below, must not be published until after the report of the person or persons conducting the examination in public has been made to the Mayor.
- (5) The provision that may be made by regulations under section 343 below includes provision prohibiting publication of the spatial development strategy until such further procedures as may be prescribed have been complied with.
- (6) If at any time it appears to the Secretary of State that it is expedient to do so for the purpose of avoiding—



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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Greater London Authority Act 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) any inconsistency with current national policies or [<sup>F120</sup>relevant [<sup>F121</sup>regional] planning guidance][<sup>F120</sup>the regional spatial strategy for a region which adjoins Greater London], or
- (b) any detriment to the interests of an area outside Greater London,
- he may, at any time before the Mayor has published the spatial development strategy, give the Mayor a direction under subsection (7) below.
- (7) A direction under this subsection is a direction to the Mayor not to publish the spatial development strategy except in a form which includes modifications to the proposed spatial development strategy in such respects as are indicated in the direction, in order to—
- (a) remove the inconsistency mentioned in subsection (6)(a) above; or
- (b) avoid the detriment mentioned in subsection (6)(b) above.
- (8) Where a direction under subsection (7) above is given to the Mayor, the Mayor must not publish the spatial development strategy unless—
- (a) he satisfies the Secretary of State that he has made the modifications necessary to conform with the direction; or
- (b) the direction is withdrawn.
- (9) Subject to the following provisions of this Part, the spatial development strategy shall become operative on the date on which it is published by the Mayor.
- [<sup>F122</sup>(10) For the purposes of this section “relevant regional planning guidance” means any regional planning guidance issued by the Secretary of State so far as relating to an area which includes or adjoins Greater London.]
- (11) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations made under section 343 below.

#### Textual Amendments

**F120** Words in s. 337 substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(2\)\(a\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

**F121** Word in s. 337(6)(a) inserted (27.5.2000) by S.I. 2000/1435, art. 2, [Sch. 1 Pt. I para. 8](#)

**F122** S. 337(10) omitted (28.9.2004 for E.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(2\)\(b\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

#### Commencement Information

**I69** S. 337 wholly in force at 3.7.2000: s. 337 in force at Royal Assent (11.11.1999) for certain purposes see s.425(2); s. 337 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

### 338 Examination in public.

- (1) Before publishing the spatial development strategy, the Mayor shall, unless the Secretary of State otherwise directs, cause an examination in public to be held.
- (2) The following provisions of this section have effect in relation to an examination in public under subsection (1) above.
- (3) An examination in public shall be conducted by a person or persons appointed by the Secretary of State for the purpose.

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- (4) The matters examined at an examination in public shall be such matters affecting the consideration of the spatial development strategy as the person or persons conducting the examination in public may consider ought to be so examined.
- (5) The person or persons conducting an examination in public shall make a report to the Mayor.
- (6) No person shall have a right to be heard at an examination in public.
- (7) The following may take part in an examination in public—
  - (a) the Mayor; and
  - (b) any person invited to do so by the person or persons conducting the examination in public.
- (8) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at an examination in public.
- (9) The Authority shall defray—
  - (a) the fees and expenses of the person appointed to conduct an examination in public; and
  - (b) any other costs of holding an examination in public.
- (10) An examination in public—
  - (a) shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the <sup>M361</sup>Tribunals and Inquiries Act 1992 (administration provisions involving the holding of a statutory inquiry); but
  - (b) shall not constitute such an inquiry for any other purpose of that Act.

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**Commencement Information**

**I70** S.338 wholly in force at 3.7.2000: s. 338 in force at 11.11.1999 for certain purposes see s. 425(2); s. 338 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

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**Marginal Citations**

**M361** 1992 c. 53.

*Review, alteration and replacement*

**339 Review of matters affecting the strategy.**

- (1) The Mayor shall keep under review the matters which may be expected to affect the development of Greater London or the planning of its development or which are otherwise relevant to the content of the spatial development strategy.
- (2) For the purpose of discharging his functions under subsection (1) above of keeping under review any matters relating to the area of a local planning authority outside Greater London, the Mayor shall consult that local planning authority about those matters.

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### 340 Reviews of the strategy.

- (1) It shall be the duty of the Mayor to review the spatial development strategy from time to time.
- (2) If the Secretary of State so directs, the Mayor shall, within such time as the Secretary of State may specify in the direction, review the spatial development strategy or such part of it as may be specified in the direction.

### 341 Alteration or replacement.

- (1) The Mayor may at any time prepare and publish—
  - (a) alterations of the spatial development strategy, or
  - (b) a new spatial development strategy to replace it.
- (2) If the Secretary of State so directs, the Mayor shall, within such time as the Secretary of State may specify in the direction, prepare and publish—
  - (a) such alterations of the spatial development strategy as the Secretary of State directs; or
  - (b) a new spatial development strategy to replace it.
- (3) This Part (other than section 334(1) above) shall apply in relation to the preparation and publication of—
  - (a) alterations of the spatial development strategy, or
  - (b) a new spatial development strategy to replace it,
 as it applies in relation to the preparation and publication of the spatial development strategy (and shall apply in relation to the altered or new spatial development strategy as it applies in relation to the spatial development strategy).
- (4) In this Act, references to the spatial development strategy include, except where the context otherwise requires, a reference to—
  - (a) the spatial development strategy as altered; or
  - (b) a new spatial development strategy which replaces a previous spatial development strategy.

#### *Supplementary provisions*

### 342 Matters to which the Mayor is to have regard.

- (1) In exercising his functions under the preceding provisions of this Part, the Mayor shall have regard to—
  - [<sup>F123</sup>(a) the regional spatial strategy for a region which adjoins Greater London;]
  - (b) such other matters as the Secretary of State may prescribe.
- (2) The matters to which the Mayor is to have regard by virtue of subsection (1) above are in addition to the matters to which he is to have regard by virtue of section 41(4) above.

#### **Textual Amendments**

**F123** S. 342(1)(a) substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(3\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

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#### Commencement Information

**I71** S. 342 wholly in force at 3.7.2000: s. 342 in force at 11.11.1999 for certain purposes see s. 425(2); s. 342 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

### 343 Regulations.

- (1) Without prejudice to any other provision of this Part, the Secretary of State may make regulations with respect to all or any of the following—
  - (a) the form and content of the spatial development strategy;
  - (b) the documents (if any) which he requires to accompany the spatial development strategy;
  - (c) the procedure to be followed in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy or in connection with any review under section 339 above.
- (2) Regulations under this Part may make different provision for different parts of Greater London.

#### Commencement Information

**I72** [S.343](#) wholly in force at 3.7.2000: s.343 in force at Royal Assent (11.11.1999) for certain purposes, see [s.425\(2\)](#); [s. 343](#) in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

### *Implementation*

### 344 Amendments of the Town and Country Planning Act 1990.

- (1) The <sup>M362</sup>Town and Country Planning Act 1990 shall be amended as follows.
- (2) In section 12 (preparation of unitary development plan) after subsection (3B) there shall be inserted—
 

“(3C) In the case of a London borough, Part I of the unitary development plan shall be in general conformity with the spatial development strategy for the time being in force.”
- (3) In subsection (7) of that section (Part II to be in general conformity with Part I) after “Part I” there shall be inserted “ and, in the case of a London borough council, with the spatial development strategy ”.
- (4) In section 13 (public participation) after subsection (1) there shall be inserted—
 

“(1A) Where the local planning authority for a London borough have prepared a unitary development plan, they shall, before complying with subsection (2), make an application in accordance with regulations under section 26 to the Mayor of London for his written opinion whether the unitary development plan is in general conformity with the spatial development strategy.”
- (5) After subsection (5) of that section there shall be inserted—

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“(5A) If, on an application under subsection (1A), the opinion given by the Mayor of London in accordance with regulations under section 26 is that the unitary development plan is not in general conformity with the spatial development strategy, the giving of the opinion shall be treated as the making by the Mayor of objections in accordance with the regulations.”

(6) In section 15 (adoption of unitary development plan by local planning authority) after subsection (2) there shall be inserted—

“(2A) A unitary development plan shall not be adopted by a London borough council unless Parts I and II of the plan are in general conformity with the spatial development strategy.”

(7) After section 21 there shall be inserted—

“ *Greater London: conformity with spatial development strategy*

**21A “Greater London: conformity with spatial development strategy.**

(1) Where—

- (a) a local planning authority in Greater London propose to make, alter or replace a unitary development plan;
- (b) copies of proposed alterations of, or of a proposed new spatial development strategy to replace, the spatial development strategy have been made available for inspection under section 335(2) of the Greater London Authority Act 1999; and
- (c) the local planning authority include in any relevant copy of the plan or proposals a statement that they are making the permitted assumption, the permitted assumption shall, subject to subsection (4), be made for all purposes (including in particular any question as to conformity between the plan and the spatial development strategy).

(2) In this section “the permitted assumption” means the assumption that—

- (a) the proposed alterations or new spatial development strategy mentioned in subsection (1)(b); or
- (b) if any proposed modifications to those proposed alterations or that new spatial development strategy have been published in accordance with regulations made under section 343 of the Greater London Authority Act 1999, the proposed alterations or spatial development strategy as so modified,

have become operative under section 337(9) of that Act.

(3) For the purposes of subsection (1)(c) a copy is a relevant copy of a plan or proposals if it is served on the Greater London Authority.

(4) The permitted assumption shall not be made at any time after the local planning authority know that the proposed alterations or new spatial development strategy mentioned in subsection (1)(b) have been withdrawn. ””

(8) In section 26 (regulations and directions) in subsection (2), after paragraph (b) there shall be inserted—

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“(bb) make provision with respect to the making of an application to the Mayor of London for a written opinion under section 13(1A) and the giving by him of such an opinion (including provision as to the time within which such an application or opinion must be made or given);”.

(9) In section 74 (directions etc as to method of dealing with applications) after subsection (1A) there shall be inserted—

“(1B) Provision may be made by a development order—

- (a) for enabling the Mayor of London in prescribed circumstances, and subject to such conditions as may be prescribed, to direct the local planning authority for a London borough to refuse an application for planning permission of a prescribed description in any particular case;
- (b) for prohibiting a local planning authority to which any such direction is given from implementing the direction in prescribed circumstances or during prescribed periods; and
- (c) for modifying any provision of this Act relating to an appeal against a refusal of planning permission (and, in particular, any such provision concerning parties or costs) in its application in relation to a refusal in compliance with such a direction;

and in the preceding provisions of this subsection “prescribed” means prescribed by, or by directions made under, a development order.

(1C) In determining whether to exercise any power under subsection (1B) to direct a local planning authority to refuse an application, the Mayor of London shall have regard to—

- (a) the development plan, and
- (b) the spatial development strategy prepared and published under Part VIII of the Greater London Authority Act 1999,

so far as material to the application.”

(10) In section 336 (interpretation) the following definition shall be inserted at the appropriate place in subsection (1)—

““spatial development strategy” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning);”.

**Marginal Citations**  
M362 1990 c. 8.

### 345 Town and Country Planning Act 1990: costs of appeals.

After section 322A of the <sup>M363</sup>Town and Country Planning Act 1990 there shall be inserted—

**“322B Local inquiries in London: special provision as to costs in certain cases.**

(1) This section applies where—

- (a) the local planning authority for a London borough refuse an application for planning permission,

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- (b) that refusal is in compliance with a direction made by the Mayor of London in accordance with provision made in a development order by virtue of section 74(1B)(a), and
  - (c) an appeal against the refusal is made to the Secretary of State under section 78.
- (2) If the Secretary of State causes a local inquiry to be held under section 320(1) to determine the appeal, in its application to the inquiry section 250 of the 1972 Act shall be treated as if—
- (a) for subsection (4) there were substituted the subsection set out at subsection (5) below, and
  - (b) for subsection (5) there were substituted the subsection set out at subsection (6) below.
- (3) If the appeal does not give rise to a local inquiry under section 320, in the application of section 322(2) in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (4) If arrangements are made for a local inquiry in relation to the appeal and the inquiry does not take place, in the application of section 322A in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (5) The subsection referred to in subsection (2)(a) above is as follows—
- (“ Where this subsection applies to an inquiry, the costs incurred by the Secretary of State in relation to the inquiry shall be paid—
- (a) by the Mayor of London, if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission, or
  - (b) if the Mayor is a party or if the Secretary of State does not so decide, by such local authority or party to the inquiry as he may direct;
- and the Secretary of State may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by the Mayor or by any authority or person shall be recoverable from the Mayor or from that authority or person by the Secretary of State summarily as a civil debt. ”
- (6) The subsection referred to in subsection (2)(b) above is as follows—
- (“ Where this subsection applies to an inquiry, or to costs incurred for the purposes of an inquiry, the Secretary of State may make orders as to the costs of the parties to the inquiry and as to the parties by whom the costs are to be paid; and—
- (a) the parties by whom the costs are ordered to be paid may include the Mayor of London if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission;
  - (b) every such order may be made a rule of the High Court on the application of any party named in the order. ”

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(7) In this section “the 1972 Act” means the Local Government Act 1972.”

**Marginal Citations**

M363 1990 c. 8.

*Miscellaneous and supplemental*

**346 Monitoring and data collection.**

It shall be the duty of the Mayor—

- (a) to monitor the implementation of the spatial development strategy;
- (b) to monitor the [<sup>F124</sup>unitary development plan][<sup>F124</sup>local development documents (within the meaning of Part 2 of the Planning and Compulsory Purchase Act 2004)] of each London borough council; and
- (c) to monitor, and collect information about, matters relevant to the preparation, review, alteration, replacement or implementation of the spatial development strategy.

**Textual Amendments**

**F124** Words in s. 346(b) substituted (28.9.2004 for E.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 22\(4\)](#) (with s. 111); S.I. 2004/2202, art. 2(i)

**347 Functional bodies to have regard to the strategy.**

In exercising any function, each of the functional bodies shall have regard to the spatial development strategy.

**348 Mayor’s functions as to planning around Greater London.**

- (1) The Mayor shall inform—
  - (a) the local planning authorities for areas in the vicinity of Greater London,
  - (b) any body on which those authorities are represented, or
  - (c) any other body which the Mayor considers should be informed,
 of his views concerning any matters of common interest, whether general or specific, relating to the planning or development of Greater London or those areas.
- (2) The Mayor may also inform those authorities, or any such body, of his views concerning any other matters, whether general or specific, relating to the planning or development of those areas.
- (3) The Mayor shall from time to time consult the London borough councils about the exercise of his functions under this section.
- (4) The Mayor may make contributions towards defraying the expenses of any body on which the Authority is represented for the purpose of facilitating the discharge of the Mayor’s functions under this section.



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### 349 Abolition of joint planning committee for Greater London.

The joint planning committee for Greater London established under section 5 of the <sup>M364</sup>Local Government Act 1985 and continued by section 3 of the <sup>M365</sup>Town and Country Planning Act 1990 is abolished by this section.

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#### Marginal Citations

**M364** 1985 c. 51.

**M365** 1990 c. 8.

### 350 Interpretation of Part VIII.

- (1) In this Part, except where the context otherwise requires,—
- “prescribe” means prescribe by regulations;
  - “regulations” means regulations made by the Secretary of State;
  - “representations made in accordance with the regulations” shall be construed in accordance with section 335(7) above.
- (2) For the purposes of this Part—
- (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.

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#### Commencement Information

**I73** [S.350](#) wholly in force at 3.7.2000: [s.350](#) in force at Royal Assent (11.11.1999) for certain purposes, see [s.425\(2\)](#); [s. 350](#) in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

## PART IX

### ENVIRONMENTAL FUNCTIONS

#### *Report on the state of the environment*

### 351 The Mayor’s environmental report.

- (1) The Mayor shall produce and publish a report on the environment in Greater London to be known as a “state of the environment report”.
- (2) The report required of the Mayor under subsection (1) shall be published—
- (a) in the case of the first state of the environment report, before the end of the period of three years beginning with the day of the first ordinary election, and
  - (b) in the case of each state of the environment report subsequent to the first, before the end of the period of four years beginning with the day on which the previous state of the environment report was published.

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- (3) A state of the environment report shall contain information about the following matters in relation to Greater London—
- (a) air quality and emissions to air, including in particular emissions from road traffic,
  - (b) road traffic levels,
  - (c) water quality and emissions to water,
  - (d) ground water levels,
  - (e) energy consumption and the emission of substances which contribute to climate change,
  - (f) land quality,
  - (g) biodiversity,
  - (h) the production, minimisation, recycling and disposal of waste,
  - (i) noise,
  - (j) natural resources, and
  - (k) litter,
- and may contain information about any other matters in relation to Greater London which the Mayor considers appropriate.
- (4) Before producing a state of the environment report, the Mayor shall consult—
- (a) the Environment Agency,
  - (b) each London borough council,
  - (c) the Common Council, and
  - (d) any other person who the Mayor considers it appropriate to consult.
- (5) A copy of each state of the environment report 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.
- (6) A copy of each state of the environment report, or any part of such a report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (7) In this section “the appropriate period” in the case of any state of the environment report is the period of six years beginning with the date of publication of that report pursuant to this section.

### *Biodiversity*

#### **352 The Mayor’s biodiversity action plan.**

- (1) The Mayor shall prepare and publish a document to be known as the “London Biodiversity Action Plan”.
- (2) The London Biodiversity Action Plan shall contain information about—
  - (a) the ecology of Greater London,
  - (b) the wildlife of Greater London and its habitat,
  - (c) any proposals for the conservation and promotion by the Mayor of biodiversity within Greater London, which have been agreed between the Mayor and any person or body he is required to consult in relation to the London Biodiversity Action Plan, and

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- (d) any commitments as to the conservation and promotion of biodiversity within Greater London made by any person or body who is required to be consulted by the Mayor in relation to the London Biodiversity Action Plan.
- (3) In preparing or revising the London Biodiversity Action Plan the Mayor shall consult—
  - (a) [<sup>F125</sup>English Nature],
  - (b) the Countryside Agency, and
  - (c) the Environment Agency.
- (4) In preparing or revising the London Biodiversity Action Plan the Mayor shall also—
  - (a) have regard to any plans relating to biodiversity prepared by a London borough council or the Common Council, and
  - (b) have regard to any guidance given to him by the Secretary of State about the matters which he is to take into account in preparing or revising the London Biodiversity Action Plan.
- (5) Where the Mayor revises the London Biodiversity Action Plan, he shall publish it as revised.
- (6) In this Act, references to the London Biodiversity Action Plan include, except where the context otherwise requires, a reference to the London Biodiversity Action Plan as revised.

**Textual Amendments**

**F125** Words in s. 352(3)(a) substituted (30.1.2001) by 2000 c. 37, ss. 73(4), 103(2), Sch. 8 para. 1(v)

*Waste*

**353 The Mayor’s municipal waste management strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “municipal waste management strategy”.
- (2) The municipal waste management strategy—
  - (a) shall contain the Mayor’s proposals and policies for the recovery, treatment and disposal of municipal waste, and
  - (b) may contain such other proposals and policies relating to municipal waste as he considers appropriate.

<sup>F126</sup>(3) .....

[<sup>F127</sup>(3A) In revising the municipal waste management strategy the Mayor is to have regard to any strategies which authorities in Greater London have for the purposes of section 32 of the Waste and Emissions Trading Act 2003 (joint waste management strategies for areas where disposal authority is not also collection authority).]

- (4) In preparing or revising the municipal waste management strategy the Mayor shall have regard to—
  - (a) the strategy prepared by the Secretary of State in accordance with section 44A of the <sup>M366</sup>Environmental Protection Act 1990 (the national waste strategy),

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- [<sup>F128</sup>(aa) the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England),]and
- (b) any guidance given to him by the Secretary of State for the purposes of the implementation of [<sup>F129</sup>that strategy][<sup>F129</sup> those strategies (or either of them) ] and relating to the content of the municipal waste management strategy.
- (5) In preparing or revising the municipal waste management strategy the Mayor shall consult—
- (a) the Environment Agency,
  - (b) waste disposal authorities in Greater London,
  - (c) any waste disposal authority the area of which has a boundary which adjoins any part of the boundary of Greater London,
  - (d) local authorities in whose areas municipal waste is disposed of by waste disposal authorities in Greater London or is proposed in the strategy to be so disposed of, and
  - (e) any other body which is concerned with the minimisation, recovery, treatment or disposal of municipal waste and which the Mayor considers it appropriate to consult.
- (6) Where the Mayor revises the municipal waste management strategy, he shall publish it as revised.
- (7) In this Act, references to the municipal waste management strategy include, except where the context otherwise requires, a reference to the municipal waste management strategy as revised.

#### Textual Amendments

- F126** S. 353(3) repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 35(b)**, 40(1); S.I. 2004/3320, art. 2
- F127** S. 353(3A) inserted (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 32(12)**, 40(1); S.I. 2004/3320, art. 2
- F128** S. 353(4)(aa) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 17(8)(a)**, 40(1); S.I. 2004/1874, art. 2
- F129** Words in s. 353(4)(b) substituted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 17(8)(b)**, 40(1); S.I. 2004/1874, art. 2

#### Marginal Citations

- M366** 1990 c. 43.

### 354 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the municipal waste management strategy.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the municipal waste management strategy or its implementation is likely to be detrimental to any area outside Greater London, or
  - (b) that a direction about the content of the municipal waste management strategy is required for the purposes of the implementation of the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A

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of the <sup>M367</sup>Environmental Protection Act 1990 (national waste strategy) [<sup>F130</sup> or of the policies contained in the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England) ] .

- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

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**Textual Amendments**

**F130** Words in s. 354(2)(b) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), ss. 17(9), 40(1); S.I. 2004/1874, art. 2

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**Marginal Citations**

**M367** 1990 c. 43.

### 355 Duties of waste collection authorities etc.

In exercising any function under Part II of the <sup>M368</sup>Environmental Protection Act 1990 (waste on land)—

- (a) each of the waste collection authorities in Greater London, and
  - (b) each of the waste disposal authorities in Greater London,
- shall have regard to the municipal waste management strategy.

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**Marginal Citations**

**M368** 1990 c. 43.

### 356 Directions by the Mayor.

- (1) Where the Mayor considers that it is necessary for the purposes of the implementation of the municipal waste management strategy, he may give to a waste collection authority in Greater London, or a waste disposal authority in Greater London, a direction requiring the authority to exercise a function in a manner specified in the direction.
- (2) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority—
  - (a) to terminate a waste contract before the expiry of the term of the contract; or
  - (b) to do anything which would result in a breach of any term of a waste contract.
- (3) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority to exercise a function in relation to the awarding of a waste contract if—
  - (a) the authority is required to comply with the public procurement regulations in awarding that contract, and

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- (b) in compliance with those regulations the authority has sent the second information notice relating to the awarding of that contract to the Official Journal of the European Communities.
- (4) The power of the Mayor to give a direction to an authority under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the authority concerned.
- (5) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

### **357 Information about existing waste contracts.**

- (1) Where at the date on which this section comes into force a waste authority is a party to a waste contract, the authority shall, before the end of the period of 21 days beginning with the date on which this section comes into force, notify the Mayor of the date on which the term of the contract is due to expire.
- (2) A waste authority which is a party to a waste contract shall—
  - (a) at least two years before the date on which the term of the contract is due to expire, but
  - (b) no earlier than three years before that date,
 notify the Mayor of that date.
- (3) Subsection (1) above is without prejudice to subsection (2) above.
- (4) If at any time before the date on which the term of a waste contract is due to expire a waste authority which is a party to the contract—
  - (a) proposes to terminate or amend the contract, or
  - (b) receives notification from another party to the contract that the contract is or is proposed to be terminated or amended,
 the authority shall as soon as reasonably practicable notify the Mayor.
- (5) Where the Mayor has been notified by a waste authority under subsection (1), (2) or (4) above he may direct the authority to provide him with such information as he may require for the purposes of deciding whether—
  - (a) the arrangements which the authority is making to enter into a new contract,
  - (b) the terms upon which the authority is proposing to enter into a new contract, or
  - (c) the amendments or proposed amendments to the contract,
 would be detrimental to the implementation of the municipal waste management strategy.
- (6) Where the Mayor gives an authority a direction under subsection (5) above, the authority to whom the direction is given shall comply with the direction.

### **358 Information about new waste contracts.**

- (1) If in the awarding of a waste contract a waste authority is required to comply with the public procurement regulations, the authority shall not send the first information notice relating to the awarding of the contract to the Official Journal of the European Communities unless—

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- (a) the authority has notified the Mayor that it proposes to send such a notice, and
  - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (2) If in the awarding of a waste contract a waste authority is not required to comply with the public procurement regulations, the authority shall not enter into the contract unless—
  - (a) the authority has notified the Mayor that it proposes to enter into such a contract, and
  - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (3) Where the Mayor has been notified under subsection (1) or (2) above he may direct the waste authority to provide him with such information about the contract as he may require for the purposes of deciding whether the contract would be detrimental to the implementation of the municipal waste management strategy.
- (4) Where the Mayor gives an authority a direction under subsection (3) above, the authority to whom the direction is given shall comply with the direction.

### **359 Confidential information about waste contracts.**

- (1) Nothing in section 357 or 358 above shall require a waste authority to provide any information if—
  - (a) the information has been provided to the waste authority by another person,
  - (b) that person has imposed requirements as to the maintenance by the waste authority of confidentiality in respect of the information,
  - (c) the waste authority is, by virtue of the public procurement regulations, under a duty to comply with those requirements, and
  - (d) the provision of the information would be in breach of that duty.
- (2) If at the time when information is provided by a waste authority to the Mayor under section 357 or 358 above the waste authority notifies the Mayor that, in the opinion of the authority, the information is confidential information or exempt information, the information shall not be disclosed—
  - (a) by the Mayor, except to a person appointed under section 67(1) or (2) above, or
  - (b) by such a person, except to another such person.
- (3) For the purposes of subsection (2) above—

“confidential information” has the meaning given by section 100A(3) of the <sup>M369</sup>Local Government Act 1972, but taking the reference to the council in paragraph (a) of that provision as a reference to the waste authority;

“exempt information” shall be construed in accordance with section 100I of that Act, but taking references to a principal council in paragraph 1(2) of Schedule 12A to that Act (meaning of “the authority”) as references to a waste authority.

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### **360 Interpretation of sections 353 to 359.**

- (1) This section applies for the purposes of sections 353 to 359 above.
- (2) The following expressions have the meanings given below—
  - “disposal”, in relation to waste, shall be construed in accordance with section 29(6) of the <sup>M370</sup>Environmental Protection Act 1990,
  - “municipal waste” means any waste in the possession or under the control of—
    - (a) a body which, or a person who, is a waste collection authority in Greater London, or
    - (b) a body which is a waste disposal authority in Greater London,

whether or not the waste is in the possession or under the control of the body or person under or by virtue of that Act,

  - “the public procurement regulations” means any of the following—
    - (a) the <sup>M371</sup>Public Works Contracts Regulations 1991,
    - (b) the <sup>M372</sup>Public Services Contracts Regulations 1993,
    - (c) the <sup>M373</sup>Public Supply Contracts Regulations 1995, and
    - (d) the <sup>M374</sup>Utilities Contracts Regulations 1996,  - “recovery”, in relation to waste, includes the recovery of materials from waste and the recovery of energy from waste,
  - “treatment”, in relation to waste, shall be construed in accordance with section 29(6) of the <sup>M375</sup>Environmental Protection Act 1990,
  - “waste” shall be construed in accordance with section 75 of that Act,
  - “waste authority” means—
    - (a) a waste collection authority in Greater London, or
    - (b) a waste disposal authority in Greater London,  - “waste collection authority in Greater London” shall be construed in accordance with section 30(3)(b) of that Act,
  - “waste contract” means a contract which includes or is to include provision relating to municipal waste and is made or to be made by a waste authority in the performance of its functions under Part II of that Act (waste on land), and
  - “waste disposal authority in Greater London” shall be construed in accordance with section 30(2)(b) of that Act.
- (3) “First information notice”, in relation to the awarding of a waste contract by a waste authority, means—
  - (a) in a case where the authority is required in the awarding of that contract to comply with—
    - (i) the <sup>M376</sup>Public Works Contracts Regulations 1991,
    - (ii) the <sup>M377</sup>Public Services Contracts Regulations 1993, or
    - (iii) the <sup>M378</sup>Public Supply Contracts Regulations 1995,

a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 9 of the relevant Regulations; or

  - (b) in a case where the authority is required in the awarding of that contract to comply with the <sup>M379</sup>Utilities Contracts Regulations 1996, a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 14.



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- (4) “Second information notice”, in relation to the awarding of a waste contract by a waste authority, means—
- (a) in a case where the authority is required in the awarding of that contract to comply with—
    - (i) the Public Works Contracts Regulations 1991,
    - (ii) the Public Services Contracts Regulations 1993, or
    - (iii) the Public Supply Contracts Regulations 1995,a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 11, 12 or 13 of the relevant Regulations; or
  - (b) in a case where the authority is required in the awarding of that contract to comply with the Utilities Contracts Regulations 1996, a notice in respect of that contract sent to the Official Journal of the European Communities which in accordance with regulation 15(2)(b) satisfies the requirement of regulation 15(1) to make a call for competition.
- (5) Until the date on which the municipal waste management strategy is first published under section 353(1) above, sections 356(1), 357(5) and 358(3) above have effect as if the references to the municipal waste management strategy were references to the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A of the <sup>M380</sup>Environmental Protection Act 1990 (national waste strategy).

#### Marginal Citations

**M370** 1990 c. 43.  
**M371** S.I. 1991/2680.  
**M372** S.I. 1993/3228.  
**M373** S.I. 1995/201.  
**M374** S.I. 1996/2911.  
**M375** 1990 c. 43.  
**M376** S.I. 1991/2680.  
**M377** S.I. 1993/3228.  
**M378** S.I. 1995/201.  
**M379** S.I. 1996/2911.  
**M380** 1990 c. 43.

#### <sup>F131</sup>361 Waste recycling plans.

#### Textual Amendments

**F131** S. 361 repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 35\(b\), 40\(1\)](#); S.I. 2004/3320, art. 2

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### *Air quality*

#### **362 The Mayor’s air quality strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “London air quality strategy”.
- (2) The London air quality strategy shall contain the Mayor’s proposals and policies—
  - (a) for the implementation in Greater London of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the <sup>M381</sup>Environment Act 1995 (national air quality strategy), and
  - (b) for the achievement in Greater London of the air quality standards and objectives prescribed in regulations made under section 87(2)(a) and (b) of that Act,

and may contain such other proposals and policies relating to the improvement of air quality in Greater London as the Mayor considers appropriate.
- (3) The London air quality strategy shall also contain information about—
  - (a) the air quality in Greater London and the likely future air quality in Greater London,
  - (b) the measures which are to be taken by the Authority, Transport for London and the London Development Agency for the purpose of the implementation of the London air quality strategy,
  - (c) the measures which other persons or bodies are to be encouraged by the Mayor to take for the purpose of the implementation of the London air quality strategy.
- (4) In preparing or revising the London air quality strategy the Mayor shall have regard—
  - (a) to reviews and assessments of air quality made by local authorities in Greater London in accordance with section 82 of the <sup>M382</sup>Environment Act 1995,
  - (b) to any designation by a local authority in Greater London of an air quality management area in accordance with section 83 of that Act,
  - (c) to any plan prepared for the purposes of the achievement of air quality standards by a local authority in Greater London in accordance with section 84(2)(b) of that Act, and
  - (d) to any guidance about the content of the London air quality strategy given to him by the Secretary of State for the purposes of the implementation of the strategy prepared and published by the Secretary of State in accordance with section 80 of that Act, (national air quality strategy).
- (5) In preparing or revising the London air quality strategy the Mayor shall consult—
  - (a) the Environment Agency, and
  - (b) any local authority the area of which has a boundary which adjoins any part of the boundary of Greater London.
- (6) Where the Mayor revises the London air quality strategy, he shall publish it as revised.
- (7) In this Act, references to the London air quality strategy include, except where the context otherwise requires, a reference to the London air quality strategy as revised.

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#### Marginal Citations

M381 1995 c.25.

M382 1995 c. 25.

### 363 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the London air quality strategy.
- (2) The conditions mentioned in subsection (1) above are—
  - (a) that the London air quality strategy or its implementation is likely to be detrimental to any area outside Greater London, or
  - (b) that a direction about the content of the London air quality strategy is required for the purposes of the implementation of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the <sup>M383</sup>Environment Act 1995 (national air quality strategy).
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

#### Marginal Citations

M383 1995 c. 25.

### 364 Duty of local authorities in Greater London.

In exercising any function under Part IV of the <sup>M384</sup>Environment Act 1995 (air quality) a local authority in Greater London shall have regard to the London air quality strategy.

#### Marginal Citations

M384 1995 c.25.

### 365 Directions by the Mayor.

- (1) The Mayor may give a direction to any local authority in Greater London requiring the authority to provide him with such information, advice and assistance as he may require in the preparation and revision of the London air quality strategy.
- (2) The power of the Mayor to give a direction to an authority under subsection (1) above may be exercised either generally or specially.

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- (3) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

### 366 Interpretation of sections 362 to 365.

For the purposes of sections 362 to 365 above “local authority” has the meaning given to it by section 91(1) of the Environment Act 1995.

### 367 Directions under the Environment Act 1995.

- (1) Section 85 of the <sup>M385</sup>Environment Act 1995 (reserve powers of the Secretary of State in relation to air quality) shall be amended in accordance with [<sup>F132</sup>subsections (2) to (5)]below.
- (2) In subsection (1) (definition of “appropriate authority” for the purposes of the section) —
- (a) in paragraph (a), for “England and Wales, the Secretary of State; and” there shall be substituted “ local authorities in England and Wales other than local authorities in Greater London, the Secretary of State; ”, and
  - (b) after that paragraph there shall be inserted—
    - “(aa) in relation to local authorities in Greater London, the Mayor of London; and”.
- (3) After subsection (4) there shall be inserted—
- “(4A) The powers of the Mayor of London to give directions under this section to a local authority in Greater London may only be exercised after consultation with the local authority concerned.
- (4B) In exercising any function under subsection (2), (3) or (4) above the Mayor of London shall have regard to any guidance issued by the Secretary of State to local authorities under section 88(1) below.”
- (4) In subsection (5) (power of the Secretary of State to give directions relating to obligations under the Community Treaties or to international obligations) after “local authorities” there shall be inserted “, other than local authorities in Greater London,”.
- (5) After subsection (6) (publishing of directions under the section) there shall be inserted—
- “(6A) The Mayor of London shall send a copy of any direction he gives under this section to the Secretary of State.”

#### Textual Amendments

**F132** Words in s. 367(1) substituted (27.5.2000) by S.I. 2000/1435, art. 2, Sch 1 Pt. I para. 9

#### Marginal Citations

**M385** 1995 c. 25.

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### 368 Duty of the Mayor in relation to air quality action plans.

After section 86 of the <sup>M386</sup>Environment Act 1995 (functions of county councils in relation to district councils) there shall be inserted—

#### “86A Functions exercisable by the Mayor of London.

- (1) Where a local authority in Greater London is preparing an action plan, the Mayor of London (referred to in this section as “the Mayor”) shall, within the relevant period, submit to the authority proposals for the exercise (so far as relating to the designated area) by the Mayor, in pursuit of the achievement of air quality standards and objectives, of any powers exercisable by the Mayor.
- (2) Where the Mayor submits proposals to a local authority in pursuance of subsection (1) above, he shall also submit a statement of the time or times by or within which he proposes to implement each of the proposals.
- (3) An action plan shall include a statement of—
  - (a) any proposals submitted pursuant to subsection (1) above; and
  - (b) any time or times set out in the statement submitted pursuant to subsection (2) above.”

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#### Marginal Citations

M386 1995 c. 25.

### 369 Consultation with the Mayor.

In paragraph 1 of Schedule 11 to the <sup>M387</sup>Environment Act 1995 (duty of local authorities to consult certain persons in the exercise of their functions under Part IV of that Act), after sub-paragraph (2) there shall be inserted—

- “(2A) A local authority specified in sub-paragraph (2B) below shall in carrying out the functions falling within sub-paragraph (1)(a) to (c) above also consult the Mayor of London.
- (2B) The local authorities mentioned in sub-paragraph (2A) above are—
- (a) any local authority in Greater London,
  - (b) any local authority whose area is contiguous to the area of Greater London.”

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#### Marginal Citations

M387 1995 c. 25.

#### Noise

### 370 The London ambient noise strategy.

- (1) The Mayor shall prepare and publish a document to be known as the “London ambient noise strategy”.

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- (2) The London ambient noise strategy shall consist of—
- (a) information about ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London,
  - (b) an assessment of the impact of the Mayor’s strategies specified in section 41(1) above on ambient noise levels in Greater London, and
  - (c) a summary of action taken, or proposed to be taken, by the Mayor for the purpose of promoting measures to reduce ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London.
- (3) In this section—
- “ambient noise” means—
- (a) noise related to transport, including road traffic, rail traffic, aircraft and water transport; and
  - (b) noise of such other descriptions as the Mayor may consider it appropriate to include in the matters dealt with by the London ambient noise strategy,
- but does not include noise falling within subsection (4) below; and
- “noise” includes vibration.
- (4) Noise falls within this subsection if it is—
- (a) noise emitted from works falling within section 60(1) of the <sup>M388</sup>Control of Pollution Act 1974 (construction works etc. which may be controlled by a local authority);
  - (b) noise caused by the operation of a loud-speaker in a street, whether or not the operation would be a contravention of section 62(1) of the <sup>M389</sup>Control of Pollution Act 1974 (loud-speaker not to be operated in the street during certain hours);
  - (c) noise at work which, under or by virtue of the <sup>M390</sup>Health and Safety at Work etc. Act 1974, it is the duty of an employer to control; or
  - (d) noise emitted from premises or emitted from or caused by a vehicle, machinery or equipment in a street, except noise caused by aircraft other than model aircraft or noise made by traffic;
- but noise does not fall within this subsection if it is noise from a fixed industrial source.
- (5) Expressions used in paragraph (d) of subsection (4) above and in section 79 of the <sup>M391</sup>Environmental Protection Act 1990 have the same meaning in that paragraph as they have in that section.
- (6) In preparing or revising the London ambient noise strategy the Mayor shall consult the Environment Agency.
- (7) Where the Mayor revises the London ambient noise strategy he shall publish it as revised.
- (8) In this Act, references to the London ambient noise strategy include, except where the context otherwise requires, a reference to the London ambient noise strategy as revised.

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**Marginal Citations**

**M388** 1974 c. 40.

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M389 1974 c. 40.  
M390 1974 c. 37.  
M391 1990 c. 43.

### 371 Consultation about aviation noise.

- (1) A person who provides air navigation services shall consult the Mayor about the matters specified in subsection (2) below where it is reasonably practicable to do so.
- (2) Those matters are—
  - (a) the proposed alteration by that person of any route used regularly by civil aircraft before arrival at, or after departure from, any aerodrome;
  - (b) the proposed addition by that person of any route to be so used;
  - (c) any substantial alteration proposed to be made by that person to procedures used for managing the arrival of civil aircraft at any aerodrome,where the proposed alteration or addition will have a significant adverse effect on the noise caused by civil aircraft in Greater London.
- (3) For the purposes of subsection (2) above the reference to a route used regularly by civil aircraft includes a reference to the altitude at which such aircraft regularly fly.
- (4) In this section—
  - “aerodrome” has the meaning given by subsection (1) of section 105 of the <sup>M392</sup>Civil Aviation Act 1982;
  - “air navigation services” shall be construed in accordance with that subsection;
  - “noise” includes vibration.

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#### Marginal Citations

M392 1982 c. 16.

### 372 Consultation at aerodromes.

- (1) Section 35 of the <sup>M393</sup>Civil Aviation Act 1982 (facilities to be provided by certain aerodromes for consultation with bodies representing local interests) shall be amended as follows.
- (2) After subsection (2) (persons or bodies to be consulted) there shall be inserted—
  - (3) The reference in subsection (2)(b) above to any local authority includes in relation to the area of Greater London a reference to the Mayor of London acting on behalf of the Greater London Authority.”.

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#### Marginal Citations

M393 1982 c. 1.

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*Miscellaneous and supplementary*

**373 Functional bodies to have regard to strategies under this Part.**

In exercising any function, each of the functional bodies shall have regard to the strategies prepared and published by the Mayor under this Part.

**374 Abolition of the London Ecology Committee.**

The joint committee appointed pursuant to the provisions of Part VI of the <sup>M394</sup>Local Government Act 1972 and known as “the London Ecology Committee” is abolished by this section.

**Marginal Citations**

M394 1972 c. 70.

**PART X**

CULTURE, MEDIA AND SPORT

**CHAPTER I**

CULTURE STRATEGY AND TOURISM

**375 The Cultural Strategy Group for London.**

- (1) There shall be a body corporate to be known as the Cultural Strategy Group for London.
- (2) The Cultural Strategy Group for London shall have—
  - (a) the function of providing advice to the Mayor on the contents and implementation of the culture strategy under section 376 below; and
  - (b) such other functions as may be conferred or imposed on, or made exercisable by, them by or under any other enactment, whenever passed or made.
- (3) Schedule 30 to this Act shall have effect with respect to the Cultural Strategy Group for London.

**Commencement Information**

**I74** S. 375 partly in force; s. 375 not in force at Royal Assent, see s. 425(2); s. 375(1)(3) in force (5.8.2000) by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

**376 The Mayor’s culture strategy.**

- (1) The Cultural Strategy Group for London shall formulate and submit to the Mayor a draft strategy containing proposed policies with respect to culture, media and sport in Greater London.



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- (2) As soon as reasonably practicable after the draft strategy has been submitted to the Mayor, the Mayor shall prepare and publish a document to be known as the “culture strategy”.
- (3) The culture strategy published under subsection (2) above shall be the draft strategy submitted to the Mayor under subsection (1) above, with such modifications (if any) as the Mayor considers appropriate.
- (4) The Cultural Strategy Group for London shall keep the culture strategy under review and may submit proposed revisions of it to the Mayor.
- (5) The policies that may be contained in the culture strategy include policies with respect to each of the following matters—
  - (a) the arts, tourism and sport;
  - (b) ancient monuments and sites;
  - (c) buildings and other structures which are of historical or architectural interest or which otherwise form part of the heritage of Greater London;
  - (d) museums and galleries;
  - (e) library services;
  - (f) archives;
  - (g) treasure, and antiquities of a movable nature;
  - (h) broadcasting, film production and other media of communication.
- (6) The Mayor may give the Cultural Strategy Group for London directions requiring the draft strategy to be formulated and submitted under subsection (1) above not later than such date as may be specified in the directions.
- (7) The Cultural Strategy Group for London shall comply with any directions under subsection (6) above.
- (8) Where the Mayor revises the culture strategy otherwise than in response to proposed revisions submitted by the Cultural Strategy Group for London under subsection (4) above, then, in the case of that revision—
  - (a) the bodies and persons required to be consulted under subsection (1) of section 42 above shall include the Cultural Strategy Group for London; and
  - (b) the reference in subsection (5) of that section to the Assembly and the functional bodies shall be taken to include a reference to the Cultural Strategy Group for London.
- (9) In this Act, references to the culture strategy include, except where the context otherwise requires, a reference to the culture strategy as revised.

### **377 Assistance by the Mayor for museums, galleries etc.**

- (1) The Authority may provide financial or other assistance for the purposes of any museum, gallery, library, archive or other cultural institution in Greater London.
- (2) Any assistance under this section may be provided subject to conditions.
- (3) The conditions that may be imposed under subsection (2) above include in particular—
  - (a) conditions with respect to the keeping, and production for inspection, of accounts and records; and

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- (b) conditions requiring the making of repayments in respect of financial assistance in whole or in part.

### **378 Duty of the Authority to promote tourism.**

- (1) The functions of the Authority shall include the duty—
  - (a) to encourage people to visit Greater London;
  - (b) to encourage people from outside the United Kingdom to visit the United Kingdom by way of Greater London; and
  - (c) to encourage the provision and improvement of tourist amenities and facilities in Greater London.
- (2) The Authority shall have power to do anything—
  - (a) for the purpose of discharging the functions conferred on it by this section; or
  - (b) which is incidental or conducive to the discharge of those functions.
- (3) For the purpose of discharging the functions conferred on it by this section, the powers of the Authority shall (in particular) include power—
  - (a) to undertake publicity or other promotional activities in any form;
  - (b) to provide advisory and information services;
  - (c) to promote or undertake research;
  - (d) to enter into arrangements with any other person or organisation for or in connection with the carrying on by that person or organisation of any activity which the Authority has power to carry on under this section.
- (4) The Authority shall have power by virtue of subsections (2) and (3) above to carry on any activities outside the United Kingdom for the purpose of encouraging people—
  - (a) to visit Greater London or any part of it, or
  - (b) to visit the United Kingdom by way of Greater London.
- (5) In discharging its functions under subsections (1) to (4) above, the Authority shall have regard to the desirability of undertaking appropriate consultation and, in appropriate cases, co-operating with—
  - (a) the Secretary of State;
  - (b) any Tourist Board; or
  - (c) any other persons who, or organisations which, have knowledge of, or are interested in, matters affecting the discharge of those functions.
- (6) The Authority shall have power to provide financial or other assistance—
  - (a) to persons or organisations discharging in relation to Greater London or any part of Greater London functions corresponding to those of the Authority under this section; or
  - (b) to any other person or organisation, for the purpose of discharging any of the Authority's functions under subsections (1) to (4) above.
- (7) Where the Authority provides assistance under subsection (6) above, it may do so subject to conditions.
- (8) The conditions that may be imposed under subsection (7) above include in particular—
  - (a) conditions with respect to the keeping, and production for inspection, of accounts and records; and

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- (b) conditions requiring the making of repayments in respect of financial assistance in whole or in part.
- (9) The Authority may charge for its services and receive contributions towards its expenses in carrying out any of its functions under this section.
- (10) Nothing in this section authorises the Authority to borrow money otherwise than as provided by the other provisions of this Act.
- (11) In this section “Tourist Board” means—
  - (a) the British Tourist Authority;
  - (b) the English Tourist Board;
  - (c) the Northern Ireland Tourist Board;
  - (d) the Scottish Tourist Board; or
  - (e) the Wales Tourist Board.

**379 Authority’s duty to provide advice on tourism.**

It shall be the duty of the Authority to advise—

- (a) any Minister of the Crown,
- (b) the British Tourist Authority, or
- (c) the English Tourist Board,

on such matters relating to tourism in Greater London as the Minister or, as the case may be, that Authority or Board may refer to it or as the Authority thinks fit.

**380 Delegation of Authority’s functions.**

- (1) Any function exercisable on behalf of the Authority by the Mayor under or by virtue of this Part shall also be exercisable on behalf of the Authority by any of the bodies or persons specified in subsection (2) below, if or to the extent that the Mayor so authorises, whether generally or specially, and subject to any conditions imposed by the Mayor.
- (2) Those bodies and persons are—
  - (a) the Deputy Mayor;
  - (b) any member of staff of the Authority;
  - (c) the Cultural Strategy Group for London;
  - (d) the London Development Agency;
  - (e) the Common Council;
  - (f) any local authority.
- (3) In the case of the Common Council or a local authority, an authorisation under this section—
  - (a) may only be granted or varied with its written consent; and
  - (b) shall cease to have effect if notice of the withdrawal of that consent is given to the Mayor.
- (4) [<sup>F133</sup>Subject to subsection (5A), where], by virtue of an authorisation under subsection (1) above, a duty is exercisable by any of the bodies or persons specified in subsection (2) above, that body or person shall discharge the duty in accordance

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with the authorisation and any conditions imposed by the Mayor under subsection (1) above.

(5) <sup>F134</sup>Subject to subsection (5A), subsection] (4) above is without prejudice to the exercise by the body or person concerned of any power to arrange for the discharge of functions by—

- (a) a committee or sub-committee, or a member, officer or employee, of the body or person, or
- (b) a joint committee on which the person or body is represented,

except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.

<sup>F135</sup>(5A) Where, by virtue of an authorisation under subsection (1) above, a duty is exercisable by a local authority which are operating executive arrangements—

- (a) that duty shall be treated as a function of that local authority for the purposes of section 13 of the Local Government Act 2000; and
- (b) if, or to the extent that, that duty is a function which is the responsibility of the executive of that authority,
  - (i) subsections (4) and (5) above shall not apply; and
  - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply except to the extent that the terms of the authorisation or any conditions imposed by the Mayor under subsection (1) above otherwise provide.]

(6) Subsection (1) above does not apply—

- (a) in relation to functions under this section; or
- (b) in relation to any function of making byelaws under section 385(1) below.

(7) An authorisation under subsection (1) above which relates to—

- (a) any function under section 376 above, or
- (b) the exercise of any function under or by virtue of section 383(1) or 384(3) below to the extent that it involves a determination as to whether to permit a public demonstration to take place in Trafalgar Square or Parliament Square Garden,

may only be given to the Deputy Mayor or a member of staff of the Authority.

(8) An authorisation under subsection (1) above which relates to any function of enforcing any byelaws made under section 385(1) below may only be given—

- (a) to the Deputy Mayor,
- (b) to any member of staff of the Authority,
- (c) to the Common Council,
- (d) to any local authority.

(9) Each of the following bodies, namely—

- (a) the Cultural Strategy Group for London,
- (b) the London Development Agency,
- (c) the Common Council,
- (d) any local authority,

shall have power to exercise functions on behalf of the Authority in accordance with this section, whether or not they would have power to do so apart from this subsection and irrespective of the nature of the function.

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- (10) Subsections (3) and (4) of section 101 of the <sup>M395</sup>Local Government Act 1972 (delegation of functions to committees, officers etc, and continued exercise by local authority concerned) shall apply in relation to any authorisation under subsection (1) above given by the Mayor—
- (a) to a local authority,
  - (b) to the Cultural Strategy Group for London, or
  - (c) to the London Development Agency,
- as they apply to arrangements under that section between one local authority and another.
- (11) An authorisation under this section may be varied or revoked at any time by the Mayor.
- (12) Any authorisation under this section, and any variation or revocation of such an authorisation, must be in writing.
- (13) In this section—
- [<sup>F136</sup>“executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000;]
- “Trafalgar Square” has the same meaning as in the <sup>M396</sup>Trafalgar Square Act 1844;
- “Parliament Square Garden” means the central garden of Parliament Square, within the meaning of section 384 below.

#### Textual Amendments

**F133** Words in s. 380(4) substituted (11.7.2001) by [S.I. 2001/2237](#), [arts. 2\(u\), 37\(a\)](#)

**F134** Words in s. 380(5) substituted (11.7.2001) by [S.I. 2001/2237](#), [arts. 2\(u\), 37\(b\)](#)

**F135** S. 380(5A) inserted (11.7.2001) by [S.I. 2001/2237](#), [arts. 2\(u\), 37\(c\)](#)

**F136** Definitions of “executive” and “executive arrangements” in s. 380(13) inserted (11.7.2001) by [S.I. 2001/2237](#), [arts. 2\(u\), 37\(d\)](#)

#### Marginal Citations

**M395** 1972 c. 70.

**M396** 1844 c. 60.

### 381 Grants to the Authority for its tourism functions.

- (1) The Secretary of State may pay to the Authority grants of such amounts in respect of expenditure incurred or to be incurred by the Authority in the exercise, or in any particular exercise, of any of the Authority’s tourism functions as he may with the consent of the Treasury determine.
- (2) A grant under subsection (1) above may be made subject to such conditions as the Secretary of State may, with the consent of the Treasury, determine.
- (3) The conditions that may be imposed by virtue of subsection (2) above include in particular—
  - (a) conditions with respect to the keeping, and production for inspection, of accounts and records;

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- (b) conditions relating to the level of performance to be achieved by the Authority in respect of any of its tourism functions and the consequences of failure to achieve that level; and
- (c) conditions requiring repayment of the grant in whole or in part.

### **382 Interpretation of Chapter I.**

- (1) In this Chapter—
- “tourism functions”, in relation to the Authority, means the Authority’s functions under section 378 above;
  - “tourist amenities and facilities” means, in relation to any area, amenities and facilities that might be used—
    - (a) by visitors to that area, or
    - (b) by other people travelling within that area for the purposes of business or leisure.
- (2) The functions conferred or imposed on the Authority under or by virtue of this Chapter shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (3) Subsection (2) above does not apply in relation to any function expressly conferred or imposed on the Assembly.

#### **Commencement Information**

**I75** S. 382 wholly in force at 3.7.2000; s. 382 not in force at Royal Assent, see s. 245(2); s. 382(2)(3) in force (8.5.2000) by S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**; s. 382 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## **CHAPTER II**

### **TRAFALGAR SQUARE AND PARLIAMENT SQUARE**

#### **383 Trafalgar Square.**

- (1) The functions of the Secretary of State under section 2 of the <sup>M397</sup>Trafalgar Square Act 1844 (care, control, management and regulation of the Square and its ornaments etc) are transferred by this subsection to the Authority.
- (2) In that section, the words from “by and out of such Monies” to “by Authority of Parliament” shall cease to have effect.
- (3) The functions transferred to the Authority by subsection (1) above shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.

#### **Marginal Citations**

**M397** 1844 c. 60.

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### 384 Parliament Square.

- (1) The land comprised in the site of the central garden of Parliament Square (which, at the passing of this Act, is vested in the Secretary of State for Culture, Media and Sport) is by this subsection transferred to and vested in Her Majesty as part of the hereditary possessions and revenues of Her Majesty.
- (2) Nothing in subsection (1) above affects—
  - (a) any sewers, cables, mains, pipes or other apparatus under that site, or
  - (b) any interest which was, immediately before the passing of this Act, vested in London Regional Transport or any of its subsidiaries.
- (3) The care, control, management and regulation of the central garden of Parliament Square shall be functions of the Authority.
- (4) It shall be the duty of the Authority well and sufficiently to light, cleanse, water, pave, repair and keep in good order and condition the central garden of Parliament Square.
- (5) The functions conferred or imposed on the Authority by this section are in addition to any other functions of the Authority.
- (6) In consequence of the preceding provisions of this section, any functions of the Secretary of State under or by virtue of section 22 of the <sup>M398</sup>Crown Lands Act 1851 (duties and powers of management in relation to the royal parks, gardens and possessions there mentioned), so far as relating to the whole or any part of the central garden of Parliament Square, shall determine.
- (7) Subsections (3) and (4) above shall have effect notwithstanding any law, statute, custom or usage to the contrary.
- (8) Any functions conferred or imposed on the Authority by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (9) In this section “the central garden of Parliament Square” means the site in Parliament Square on which the Minister of Works was authorised by the <sup>M399</sup>Parliament Square (Improvement) Act 1949 to lay out the garden referred to in that Act as “the new central garden”.

#### Marginal Citations

M398 1851 c. 42.

M399 1949 c. lvi.

### 385 Byelaws.

- (1) The Authority may make [<sup>F137</sup>and enforce] such byelaws to be observed by persons using Trafalgar Square or Parliament Square Garden as the Authority considers necessary for securing the proper management of those Squares and the preservation of order and the prevention of abuses there.
- (2) Byelaws under this section may designate specified provisions of the byelaws as trading byelaws.

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- (3) A person who contravenes or fails to comply with any byelaw under this section shall be guilty of an offence and liable on summary conviction—
- (a) if the byelaw is a trading byelaw, to a fine not exceeding level 3 on the standard scale, or
  - (b) in any other case, to a fine not exceeding level 1 on the standard scale.
- (4) The provision that may be made in byelaws under this section includes provision for or in connection with—
- (a) the licensing of any trading; and
  - (b) the seizure, retention or disposal of any property in connection with any contravention of or failure to comply with a trading byelaw.
- (5) The functions conferred or imposed on the Authority by this section are in addition to any other functions of the Authority.
- (6) Any functions conferred or imposed on the Authority by virtue of this section shall be functions of the Authority which are exercisable by the Mayor acting on behalf of the Authority.
- (7) In this section—
- “Trafalgar Square” has the same meaning as in the <sup>M400</sup>Trafalgar Square Act 1844;
- “Parliament Square Garden” means the central garden of Parliament Square, within the meaning of section 384 above.

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**Textual Amendments**

**F137** Words in s. 385(1) inserted (20.11.2001) by S.I. 2001/3719, art. 2, Sch. para. 7

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**Marginal Citations**

**M400** 1844 c. 60.

**386 Guidance.**

- (1) The Secretary of State may issue guidance to the Mayor concerning the exercise of any function under or by virtue of section 383(1), 384(3) or (4) or 385(1) above by him or any body or person authorised to exercise the function under section 380 above.
- (2) In deciding whether or how to exercise that function, the Mayor, or body or person, shall have regard to any guidance issued under subsection (1) above.

**PART XI**

MISCELLANEOUS AND GENERAL PROVISIONS

*Application of enactments*

**387 The Trustee Investments Act 1961.**

- (1) The <sup>M401</sup>Trustee Investments Act 1961 shall be amended as follows.



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- (2) In section 11 (local authority investment schemes) in subsection (4) (the authorities to which the section applies) in paragraph (a)—
- (a) after “England and Wales” there shall be inserted “, the Greater London Authority, ”; and
  - (b) after “Common Council of the City of London” there shall be inserted “, a functional body (within the meaning of the Greater London Authority Act 1999), ”.
- (3) In Schedule 1, in Part II (narrower-range investments requiring advice), in paragraph 9—
- (a) after paragraph (a) there shall be inserted—
    - “(aa) the Greater London Authority;
    - (ab) any functional body, within the meaning of the Greater London Authority Act 1999;”;
  - (b) in paragraph (d), the words “the Receiver for the Metropolitan Police District or” shall cease to have effect.

#### Commencement Information

**I76** S. 387 wholly in force at 3.7.2000; s. 387 not in force at Royal Assent see s. 425(2); s. 387 in force for specified purposes at 8.5.2000 by [S.I. 1999/3434](#), [art. 3](#); s. 387 in force at 3.7.2000 other than for the purposes of (3)(b), insofar as not already in force by [S.I. 1999/3434](#), [art. 4](#); s. 387 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

#### Marginal Citations

[M401 1961 c. 62.](#)

### 388 The Local Authorities (Goods and Services) Act 1970.

In section 1(4) of the <sup>M402</sup>Local Authorities (Goods and Services) Act 1970, in the definition of “local authority”—

- (a) after “London borough,” there shall be inserted “ the Greater London Authority, ”; and
- (b) after “any joint authority established by Part IV of the <sup>M403</sup>Local Government Act 1985” there shall be inserted “ and the London Fire and Emergency Planning Authority, Transport for London and the London Development Agency ”.

#### Commencement Information

**I77** S. 388 wholly in force at 3.7.2000; s. 388 not in force at Royal Assent see s. 425(2); s. 388 in force at 8.5.2000 for the purposes of para.(a) by [S.I. 1999/3434](#), [art. 3](#); s. 388 in force at 3.7.2000 insofar as not already in force by [S.I. 1999/3434](#), [art. 4](#)

#### Marginal Citations

[M402 1970 c. 39.](#)

[M403 1985 c. 51.](#)

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### **389 The Superannuation Act 1972.**

- (1) Employment with—
- (a) the Authority,
  - (b) Transport for London,
  - (c) the London Development Agency,
  - (d) the Metropolitan Police Authority, or
  - (e) the London Transport Users' Committee,
- shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M404</sup>Superannuation Act 1972 can apply.
- (2) Accordingly, in Schedule 1 to that Act (in which those kinds of employment are listed) the following entries shall be inserted in the list of “Other bodies” at the appropriate places—
- “The Greater London Authority.”
- “The London Development Agency.”
- “The London Transport Users' Committee.”
- “The Metropolitan Police Authority.”
- “Transport for London.”
- (3) Each of the bodies specified in subsection (1) above shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to this section (so far as referable to that body) in the sums payable under the <sup>M405</sup>Superannuation Act 1972 out of money provided by Parliament.
- (4) Where an employee of any of the bodies specified in subsection (1) above—
- (a) is, by reference to that employment, a participant in a scheme under section 1 of the <sup>M406</sup>Superannuation Act 1972, and
  - (b) is also a member of that body,
- the Minister for the Civil Service may determine that his service as such a member shall be treated for the purpose of the scheme as service as an employee of that body.
- (5) A determination under subsection (4) above shall be without prejudice to—
- (a) paragraph 2(6) of Schedule 10 to this Act, in the case of Transport for London;
  - (b) paragraph 2 of Schedule 18 to this Act, in the case of the London Transport Users' Committee; or
  - (c) paragraph 3 of Schedule 2 to the <sup>M407</sup>Regional Development Agencies Act 1998, in the case of the London Development Agency.
- (6) In consequence of the inclusion, by virtue of subsection (2) above, of an entry relating to the London Development Agency in Schedule 1 to the <sup>M408</sup>Superannuation Act 1972, in the entry in that Schedule relating to a development agency established under section 1 of the <sup>M409</sup>Regional Development Agencies Act 1998, there shall be added at the end “ (other than the London Development Agency (for which there is a separate entry)) ”.

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#### **Marginal Citations**

**M404** 1972 c. 11.

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- M405 1972 c. 11.
- M406 1972 c. 11.
- M407 1998 c. 45.
- M408 1972 c. 11.
- M409 1998 c. 45.

### **390 The Superannuation Act 1972: delegation of functions.**

- (1) The Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit, delegate to any person the function of administering a scheme made under section 1 of the <sup>M410</sup>Superannuation Act 1972, so far as relating to employees of any of the bodies specified in section 389(1) above.
- (2) A person to whom the function of administering a scheme made under section 1 of the <sup>M411</sup>Superannuation Act 1972 is delegated under subsection (1) above may, to such extent and subject to such conditions as he may determine, authorise the exercise of that function by, or by employees of, any person.
- (3) Where a person is authorised under subsection (2) above to exercise the function of administering a scheme made under section 1 of the <sup>M412</sup>Superannuation Act 1972, 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.
- (4) Subsection (3) 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.

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#### **Marginal Citations**

- M410 1972 c. 11.
- M411 1972 c. 11.
- M412 1972 c. 11.

<sup>F138</sup>**391** .....

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#### **Textual Amendments**

- F138** S. 391 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

### **392 The Stock Transfer Act 1982.**

- (1) In Schedule 1 to the <sup>M413</sup>Stock Transfer Act 1982 (specified securities) paragraph 7 (securities issued by local authorities etc) shall be amended as follows.
- (2) In sub-paragraph (1), at the end of paragraph (ba) there shall be inserted “ or ” and paragraph (c) (which relates to the Receiver for the Metropolitan Police District) and the word “or” immediately preceding it shall cease to have effect.

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- (3) In sub-paragraph (2) (which defines “local authority”) in paragraph (a)—
- (a) after “namely,” there shall be inserted “ the Greater London Authority, ”; and
  - (b) after “Common Council of the City of London” there shall be inserted “ , a functional body (within the meaning of the Greater London Authority Act 1999), ”.

#### Commencement Information

**I78** S. 392 wholly in force at 3.7.2000; s. 392 not in force at Royal Assent see s. 425(2); s. 392 in force at 8.5.2000 for the purposes of (3)(a) by [S.I. 1999/3434, art. 3](#); s. 392 in force at 3.7.2000 for the purposes of (3)(b) by [S.I. 1999/3434, art. 4](#); s. 392 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)

#### Marginal Citations

**M413** 1982 c. 41.

### *Companies*

#### **393 Companies in which local authorities have interests.**

- (1) In Part V of the <sup>M414</sup>Local Government and Housing Act 1989 (companies in which local authorities have interests) section 67 (application of, and orders under, the Part) shall be amended as follows.
- (2) In subsection (3) (which specifies the bodies which are local authorities for the purposes of the Part) after paragraph (b) there shall be inserted—
- “(bb) the Greater London Authority;
  - (bc) a functional body, within the meaning of the Greater London Authority Act 1999;”.

#### Commencement Information

**I79** S. 393 wholly in force at 3.7.2000; s. 393 not in force at Royal Assent see s. 425(2); s. 393 in force for specified purposes at 8.5.2000 by [S.I. 1999/3434, art. 3](#); s. 393 in force at 3.7.2000 insofar as not already in force by [S.I. 1999/3434, art. 4](#)

#### Marginal Citations

**M414** 1989 c. 42.

### *Investigation of functional bodies*

#### **394 Investigation by the Commission for Local Administration.**

- (1) Section 25(1) of the <sup>M415</sup>Local Government Act 1974 (which specifies the bodies which are subject to investigation under Part III of that Act) shall be amended as follows.
- (2) After paragraph (bb) there shall be inserted—
- “(bbb) the London Development Agency;”.

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- (3) After paragraph (c) there shall be inserted—  
“(cza) the London Fire and Emergency Planning Authority;”.
- (4) After paragraph (ca) (police authority established under section 3 of the Police Act 1996) there shall be inserted—  
“(caa) the Metropolitan Police Authority;”
- (5) After paragraph (cb) there shall be inserted—  
“(cc) Transport for London; and”.
- (6) In consequence of subsection (2) above, in Schedule 2 to the <sup>M416</sup>Parliamentary Commissioner Act 1967, at the end of the entry relating to regional development agencies (which is inserted by paragraph 2 of Schedule 7 to the <sup>M417</sup>Regional Development Agencies Act 1998) there shall be added “ (other than the London Development Agency) ”.

#### Marginal Citations

- M415** 1974 c. 7.  
**M416** 1967 c. 13.  
**M417** 1998 c. 45.

*Information etc.*

### **395 Provision of information, advice and assistance by functional bodies.**

- (1) Subject to the following provisions of this section, the functional bodies shall provide the Mayor with such information, advice and assistance as he may by notice request.
- (2) The information, advice or assistance that may be requested under subsection (1) above is such information, advice or assistance as the Mayor may reasonably require for the purpose of discharging functions of the Authority which are exercisable by him.
- (3) The Secretary of State may by order—
  - (a) prescribe categories of information which a functional body may refuse to provide to the Mayor under subsection (1) above, or
  - (b) impose further limitations on the exercise of the powers conferred on the Mayor by subsection (1) above.

#### Commencement Information

- I80** S.395 wholly in force at 3.7.2000: s.395 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 395 in force (3.7.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

### **396 Research and collection of information: London Research Centre etc.**

- (1) The Authority—

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- (a) may carry out, or assist in carrying out, investigations into, or the collection of information relating to, any matters concerning Greater London or any part of it; and
  - (b) may make, or assist in making, arrangements whereby any such information is, or the results of any such investigation are, made available to any government department, any local authority in Greater London, any other body or person, or the public.
- (2) The Secretary of State may make regulations requiring the Authority to carry out, or assist in carrying out, under subsection (1)(a) above investigations into, or the collection of information relating to, such matters as may be specified in the regulations or matters of such a description as may be so specified.
- (3) Regulations under subsection (2) above may make provision requiring the Authority to make, or assist in making, arrangements whereby any such information is, or the results of any such investigation are, made available to—
- (a) government departments;
  - (b) bodies or persons specified, or of a description specified, in the regulations; or
  - (c) the public.
- (4) The Secretary of State may make regulations requiring the Authority to make, or assist in making, arrangements whereby information falling within subsection (5) below which is in the possession of the Authority is made available to any of the bodies and persons mentioned in subsection (3)(a) to (c) above.
- (5) The information which falls within this subsection is—
- (a) information collected, or the result of any investigation carried out, by the Authority under subsection (1)(a) above, and
  - (b) information collected, or the result of any investigation carried out, other than by the Authority which has been transferred to the Authority by virtue of an order under section 408 below or a scheme under section 409 below.
- (6) Any functions conferred or imposed on the Authority by or under this section shall be exercisable by the Mayor acting on behalf of the Authority.
- (7) Subsection (6) above does not apply in relation to any function expressly conferred or imposed on the Assembly by regulations under subsection (2) above.
- (8) The Mayor shall from time to time, and at least once in every year, consult each London borough council and the Common council about the exercise of the Authority's functions under subsection (1) above.
- (9) Before making any regulations under subsection (2) above, the Secretary of State shall consult the Mayor, the Assembly, every London borough council and the Common Council.
- (10) Any scheme made for Greater London under subsection (1) of section 88 of the <sup>M418</sup>Local Government Act 1985 (research and collection of information) is revoked by this subsection.
- (11) In that section—
- (a) in subsection (1), the words “Greater London or”, and
  - (b) subsection (12)(a),
- shall cease to have effect.

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(12) After subsection (13) of that section (power of London borough councils etc to exercise functions described in subsection (1)(a) and (b) of that section) there shall be inserted—

“(13A) In the application of subsection (13) above in relation to a London borough council or the Common Council, paragraphs (a) and (b) of subsection (1) above shall have effect with the substitution of “Greater London” for “that area”.”

#### Commencement Information

**I81** S.396 wholly in force at 8.5.2000; s.396 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2); s. 396(10)-(12) in force (1.4.2000) by [S.I. 2000/801](#), art. 2(2)(a), [Sch. Pt. 1](#); s. 396 in force (8.5.2000) in so far as not already in force by [S.I. 2000/801](#), art. 2(2)(b), [Sch. Pt. 2](#)

#### Marginal Citations

**M418** [1985 c. 51](#).

### 397 Information schemes.

- (1) The Mayor may make schemes for the collection of information relating to any matters concerning Greater London or any part of it.
- (2) The schemes that may be made under this section include schemes under which each London local authority must provide to the Mayor, in accordance with the scheme, information—
  - (a) required by the Mayor to be provided; and
  - (b) falling within such description of information as is specified in the scheme.
- (3) A scheme under this section may be made only after consultation with each London local authority.
- (4) A scheme under this section shall have effect so as to be binding on all the London local authorities only if at least two-thirds of those authorities give their agreement to the scheme.
- (5) A scheme under this section shall state whether or not it is to remain in effect indefinitely and, if it is not to remain in effect indefinitely, shall state the period for which it is to remain in effect.
- (6) A scheme under this section may include provision relating to—
  - (a) the method by which information to be collected or provided under the scheme is to be analysed;
  - (b) the form in which such information is to be collected or provided;
  - (c) the ownership of information collected or provided under the scheme;
  - (d) the method by which information is to be transferred or stored under the scheme;
  - (e) the persons to whom information collected or provided under the scheme may, or must not, be disclosed;
  - (f) bearing the costs of the scheme.

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- (7) The provision which may be made by virtue of subsection (6)(f) above includes in particular provision—
- (a) for the costs of collecting or providing information of a description specified in the scheme to be borne by the Mayor or a London local authority or by both the Mayor and a London local authority in such proportions as may be specified by or under the scheme;
  - (b) for the recovery of costs related to the scheme by the Mayor from a London local authority, by a London local authority from the Mayor or by a London local authority from another such authority.
- (8) A scheme under this section may contain such supplementary provision as the Mayor considers necessary or expedient.
- (9) The powers of the Mayor under this section are without prejudice to any other power of the Mayor under or by virtue of this Act to require any London local authority to provide information.
- (10) For the purposes of this section “London local authority” means a London borough council or the Common Council.

### **398 Schemes for the provision of information by London councils: supplementary.**

- (1) Where—
- (a) a scheme is made by virtue of subsection (2) of section 397 above, but
  - (b) the agreement of at least two-thirds of the London local authorities is not given to the scheme as mentioned in subsection (4) of that section,
- the Mayor may apply to the Secretary of State for a direction that the scheme is to have effect so as to be binding on all those authorities.
- (2) A direction by the Secretary of State under subsection (1) above shall specify the date from which the scheme is to have effect by virtue of the direction.
- (3) Before giving a direction under subsection (1) above the Secretary of State shall consult each London local authority and may give such a direction only if he considers—
- (a) that the provision of information of the description which may be required by the Mayor to be provided under the scheme is necessary for the exercise of functions of the Authority; and
  - (b) that the provisions of the scheme will not impose an unreasonable financial burden on the London local authorities.
- (4) For the purposes of any scheme made by virtue of subsection (2) of section 397 above each London local authority shall have power to collect any information which is required to be provided by that authority to the Mayor under the scheme.
- (5) For the purposes of this section a London local authority means a London borough council or the Common Council.

### **399 Revocation or variation of information schemes.**

- (1) A scheme under section 397 above may at any time—
- (a) be revoked by the Mayor; or



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- (b) be varied by the Mayor in accordance with the terms of the scheme or by agreement between the Mayor and at least two-thirds of the London local authorities.
- (2) Before deciding whether to revoke or vary a scheme by virtue of subsection (1) above the Mayor shall consult each London local authority.
- (3) Where the Mayor revokes or varies a scheme by virtue of subsection (1) above he shall notify each London local authority of the revocation or variation.
- (4) For the purposes of this section “London local authority” means a London borough council or the Common Council.

#### *Overseas assistance*

### **400 Overseas assistance.**

- (1) Section 1 of the <sup>M419</sup>Local Government (Overseas Assistance) Act 1993 (power of local authorities to provide advice and assistance overseas) shall be amended as follows.
- (2) After subsection (6) there shall be inserted—
  - “(6A) For the purposes of subsection (1) above the Greater London Authority shall be treated as having skill and experience as respects a particular matter if—
    - (a) the Authority does not have skill and experience as respects that matter,
    - (b) the London Development Agency does have such skill and experience, and
    - (c) the Agency provides advice and assistance as respects that matter to the Authority.”
- (3) In subsection (9)(a) (authorities given power to provide assistance) after “Wales,” there shall be inserted “ the Greater London Authority, ”.

#### **Marginal Citations**

**M419** 1993 c. 25.

#### *Accommodation*

### **401 Accommodation for Authority and functional bodies.**

- (1) The Secretary of State shall be under a duty to provide accommodation for—
  - (a) the Authority, and
  - (b) each of the functional bodies,during the period of five years beginning with the day on which this Act is passed.
- (2) If the Secretary of State is satisfied that appropriate accommodation is available or has been provided for a body falling within paragraph (a) or (b) of subsection (1) above, he may by order make provision substituting for the period for the time being specified in that subsection as it has effect in relation to that body such shorter period as he may determine.

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- (3) Where the Secretary of State—
- (a) has made an order under subsection (2) above in the case of any body, but
  - (b) subsequently considers that it is necessary, expedient or desirable to extend the period for the time being specified in subsection (1) above as it has effect in relation to that body,
- he may by order make provision substituting for that period (whether or not it has expired) such longer period as he may determine, ending not later than the period of five years beginning with the day on which this Act is passed.
- (4) The Secretary of State need not provide accommodation for a body under subsection (1) above during any period as respects which that body has notified him that it does not require him to provide accommodation for it.
- (5) The provision of accommodation under subsection (1) above shall be on such financial and other terms as the Secretary of State may determine.

#### Commencement Information

**182** S. 401 wholly in force at 12.1.2000; by virtue of s. 425(2) it is provided that this Act comes into force at Royal Assent in regard to any power of a Minister of the Crown to make regulations or an order; s. 401 in force at 12.1.2000 by [S.I. 1999/3434](#), [art. 2](#)

### *The London Pensions Fund Authority*

#### **402 Finance.**

- (1) For each financial year the London Pensions Fund Authority (“the LPFA”) shall prepare—
- (a) a statement containing a draft budget for the LPFA for that financial year and specifying the amount of any levy which the LPFA proposes to make on any class of authority in respect of that year by virtue of any levying bodies regulations; and
  - (b) a statement of the LPFA’s strategic plans and objectives for that financial year and the two following financial years;
- and shall submit those statements to the Mayor on or before 31st December in the preceding financial year.
- (2) If—
- (a) the Mayor gives the LPFA any comments on a statement submitted in accordance with subsection (1)(a) above, and
  - (b) those comments are given on or before 31st January immediately following the submission of the statement,
- the LPFA shall have regard to the comments in setting its budget for the financial year to which the statement relates.
- (3) In this section—
- “levying bodies regulations” means regulations (at the passing of this Act, the <sup>M420</sup>Levying Bodies (General) Regulations 1992)—
- (a) made under section 74(2) of the <sup>M421</sup>Local Government Finance Act 1988; and

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(b) having effect in relation to the LPFA by reason of a levying power which the LPFA would have, apart from section 117 of that Act;

“levying power” means a power to make a levy conferred by or under any Act other than the <sup>M422</sup>Local Government Finance Act 1988 (at the passing of this Act, the power conferred by article 4 of the <sup>M423</sup>London Government Reorganisation (Pensions etc.) Order 1989);

“net expenditure”, in relation to the LPFA, means all expenditure and costs incurred by the LPFA less receipts (if any), but excluding—

- (a) any expenditure or costs payable out of, or
- (b) any receipts which fall to be credited to,

the superannuation fund maintained by the LPFA under regulations under section 7 of the <sup>M424</sup>Superannuation Act 1972.

- (4) This section has effect in relation to financial years beginning on or after 1st April 2001.

#### Marginal Citations

- M420 S.I. 1992/2903.
- M421 1988 c. 41.
- M422 1988 c. 41.
- M423 S.I. 1989/1815.
- M424 1972 c. 11.

### 403 Membership, reports and information.

- (1) The functions conferred or imposed on the Secretary of State under or by virtue of the provisions of Schedule 1 to the <sup>M425</sup>London Government Reorganisation (Pensions etc.) Order 1989 (“the 1989 Order”) specified in subsection (2) below are transferred to the Mayor by this subsection.
- (2) Those provisions are—
- (a) paragraph 1 (appointment of members etc);
  - (b) paragraph 2(b) (which makes provision about tenure of office by applying paragraph 2 of Schedule 13 to the <sup>M426</sup>Local Government Act 1985);
  - (c) paragraph 2(c) (which makes provision about determinations relating to remuneration etc by applying paragraph 3 of that Schedule);
  - (d) paragraph 2(f) (which makes provision about reports and information by applying paragraph 10 of that Schedule).
- (3) In the application of paragraph 3 of Schedule 13 to the <sup>M427</sup>Local Government Act 1985 (determinations relating to remuneration etc) by virtue of subsections (1) and (2)(c) above, sub-paragraph (5) (which requires the consent of the Treasury to any determination) shall be omitted.
- (4) In the application of paragraph 10 of that Schedule (reports and information) by virtue of subsections (1) and (2)(d) above, in sub-paragraph (2) (which requires the authority to send a copy of its annual report to the Secretary of State, and the Secretary of State to lay copies of it before Parliament) the words from “and the Secretary of State” to the end of the sub-paragraph shall be omitted.

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(5) Any appointment—

- (a) made by the Secretary of State under sub-paragraph (1) or (2) of paragraph 1 of Schedule 1 to the 1989 Order, and
- (b) in force immediately before the coming into force of subsection (1) above, so far as relating to subsection (2)(a) above,

shall have effect as from the coming into force of subsection (1) above, so far as relating, as an appointment made by the Mayor under and in accordance with that sub-paragraph (and subject accordingly to the provisions of paragraphs 2 and 3 of Schedule 13 to the <sup>M428</sup>Local Government Act 1985 as they have effect by virtue of subsections (1) and (2)(b) or (c) above).

**Marginal Citations**

**M425** S.I. 1989/1815.

**M426** 1985 c. 51.

**M427** 1985 c. 51.

**M428** 1985 c. 51.

*Discrimination*

**404 Discrimination.**

- (1) In exercising their functions, it shall be the duty of—
  - (a) the Greater London Authority (whether acting by the Mayor, the Assembly or the Mayor and Assembly jointly),
  - (b) the Metropolitan Police Authority, and
  - (c) the London Fire and Emergency Planning Authority,
 to comply with the requirement in subsection (2) below.
- (2) The requirement is to have regard to the need—
  - (a) to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation or religion;
  - (b) to eliminate unlawful discrimination; and
  - (c) to promote good relations between persons of different racial groups, religious beliefs and sexual orientation.
- (3) This section is without prejudice to section 33 above and is subject to any provision made by or under any other enactment.

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## PART XII

### SUPPLEMENTARY PROVISIONS

*Consequential and transitional provision etc.*

#### **405 Power to amend Acts and subordinate legislation.**

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

#### **Commencement Information**

**I83** S. 405: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### **406 Transitional and consequential provision.**

- (1) A Minister of the Crown may by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or expedient—
  - (a) for the general purposes, or any particular purposes, of this Act;
  - (b) in consequence of, or otherwise in connection with, any provision made by or under this Act;
  - (c) for giving full effect to this Act; or
  - (d) in consequence of such of the provisions of any other Act passed—

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

#### Commencement Information

**184** S. 406: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### 407 Appointments by the Secretary of State.

- (1) Any functions under or by virtue of this Act which will become exercisable by a person or body other than the Secretary of State may, before they become so exercisable, be exercised by the Secretary of State for the purpose of appointing such persons as he considers necessary to secure that any provision made by or under this Act operates satisfactorily when it comes into force.
- (2) The Secretary of State may defray any costs which are incurred in the exercise of the functions mentioned in subsection (1) above.
- (3) In exercising the functions mentioned in subsection (1) above, the Secretary of State may appoint a person on such terms and conditions (including conditions as to remuneration) as the Secretary of State thinks fit.
- (4) Any such terms and conditions may include provision to the effect that the person concerned—
  - (a) is, or is not, to be or become a member of a particular pension scheme, or
  - (b) is, or is not, to be treated as employed in the civil service of the State.

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**Status:** Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.  
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## Transfers

### 408 Transfers of property, rights or liabilities.

- (1) A Minister of the Crown may by order make provision for or in connection with the transfer to any body or person falling within subsection (2) below of such property, rights or liabilities of a body or person falling within subsection (3) below as he may consider appropriate.
- (2) The bodies and persons falling within this subsection are—
  - (a) the Authority;
  - (b) any functional body;
  - (c) any subsidiary of Transport for London;
  - (d) London Regional Transport or any subsidiary of London Regional Transport;
  - (e) any local authority or the Common Council;
  - (f) any police authority established under section 3 of the <sup>M429</sup>Police Act 1996;
  - (g) the London Transport Users' Committee;
  - (h) any Minister of the Crown or government department;
  - (i) any body or person, or the holder of any office, established by or under this Act and not falling within the preceding paragraphs of this subsection.
- (3) The bodies and persons falling within this subsection are—
  - (a) any Minister of the Crown or government department;
  - (b) any London borough council or the Common Council;
  - (c) London Regional Transport or any subsidiary of London Regional Transport;
  - (d) any company all the shares in which are held by a Minister of the Crown;
  - (e) the Receiver for the Metropolitan Police District;
  - (f) the Commissioner of Police of the Metropolis;
  - (g) the Development Commission;
  - (h) the Urban Regeneration Agency;
  - (i) the Commission for the New Towns;
  - (j) any body or person, or the holder of any office, for whose abolition or dissolution provision is made by or under this Act and which does not fall within the preceding paragraphs of this subsection.
- (4) The power conferred by subsection (1) above is exercisable—
  - (a) for the general purposes, or any particular purposes, of this Act;
  - (b) in consequence of, or otherwise in connection with, any provision made by or under this Act;
  - (c) for giving full effect to this Act; or
  - (d) in consequence of such of the provisions of any other Act passed—
    - (i) before the relevant day, within the meaning of section 405 above, or
    - (ii) in the Session in which that day falls,as apply to any area, or any body or person, affected by this Act.
- (5) The power conferred by subsection (1) above is also exercisable in relation to a transfer of property, rights or liabilities to the London Development Agency for any purpose for which such a transfer may be made by a scheme under the <sup>M430</sup>Regional Development Agencies Act 1998.

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- (6) To the extent that an order under subsection (1) above makes provision for or in connection with the transfer of property, rights or liabilities to the London Development Agency from—
- (a) the Urban Regeneration Agency, or
  - (b) the Commission for the New Towns,
- section 38 of the <sup>M431</sup>Regional Development Agencies Act 1998 (relief from Corporation Tax) shall apply in relation to the order as if it were a transfer scheme within the meaning of that section.
- (7) An order under subsection (1) above may make provision for or in connection with—
- (a) the grant or creation of an estate or interest in, or right over, any land or other property,
  - (b) the grant or creation of any other rights, or
  - (c) the imposition of liabilities,
- in favour of, or on, any body or person falling within subsection (2) above or any body or person falling within subsection (3) above.
- (8) An order under subsection (1) above may make provision for transfers to take effect at such time of day as may be specified in the order.

#### Commencement Information

**I85** S. 408: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### Marginal Citations

**M429** 1996 c. 16.  
**M430** 1998 c. 45.  
**M431** 1998 c. 45.

## 409 Transfer schemes.

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



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- (4) The powers conferred by subsection (1) or (2) above are also exercisable in relation to a transfer of property, rights or liabilities to the London Development Agency for any purpose for which such a transfer may be made by a scheme under the <sup>M432</sup>Regional Development Agencies Act 1998.
- (5) To the extent that a scheme under subsection (1) or (2) above makes provision for or in connection with the transfer of property, rights or liabilities to the London Development Agency from—
  - (a) the Urban Regeneration Agency, or
  - (b) the Commission for the New Towns,section 38 of the <sup>M433</sup>Regional Development Agencies Act 1998 (relief from Corporation Tax) shall apply in relation to the scheme as if it were a transfer scheme within the meaning of that section.
- (6) A scheme under subsection (1) or (2) above may make any provision that may be made by order under subsection (1) of section 408 above.
- (7) A scheme under subsection (1) or (2) above may make any provision that may be made by order under subsection (1) of section 411 below.
- (8) Accordingly, the bodies or persons in relation to which provision may be made by virtue of subsection (7) above are not restricted to those falling within subsection (2) or (3) of section 408 above.
- (9) Schedule 31 to this Act (which makes provision in relation to schemes under this section) shall have effect.

#### Marginal Citations

[M432 1998 c. 45.](#)

[M433 1998 c. 45.](#)

## 410 Contracts of employment etc.

- (1) The provision that may be made by transfer instrument includes provision for or in connection with the transfer of—
  - (a) rights and liabilities under contracts of employment; or
  - (b) members of police forces and other persons in relation to whom paragraph (a) above does not apply.
- (2) Subsections (3) to (5) below apply where any rights or liabilities under a contract of employment are transferred by virtue of this Act.
- (3) Anything done by or in relation to the transferor in respect of the employee before the day on which the transfer takes effect shall be treated on and after that day as done by or in relation to the transferee.
- (4) For the purposes of Part XI of the <sup>M434</sup>Employment Rights Act 1996 (redundancy payments etc) the employee shall not be regarded as having been dismissed by virtue of the transfer.

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- (5) For the purposes of that Act, the employee’s period of employment with the transferor shall count as a period of employment with the transferee, and the change of employment shall not break the continuity of the period of employment.
- (6) In this section—
- (a) any reference to anything made or done by or in relation to the transferor includes a reference to anything which is treated by virtue of any enactment as having been made or done by or in relation to the transferor; and
  - (b) any reference to an employee’s period of employment with the transferor shall be construed accordingly.
- (7) In the application of this section to a person employed in the civil service of the State—
- (a) any reference to employment includes a reference to employment in that service;
  - (b) any reference to a contract of employment includes a reference to the terms of that employment; and
  - (c) any reference to dismissal includes a reference to the termination of that employment.
- (8) Where a transfer instrument makes provision for or in connection with a transfer falling within subsection (1)(b) above, the provision that may be made includes provision for or in connection with applying subsections (3) to (7) above (with or without modifications) in relation to or otherwise in connection with the transfer.
- (9) In this section “transfer instrument” means—
- (a) an order under section 408 above; or
  - (b) a scheme under section 409 above.

#### Commencement Information

**I86** [S. 410](#) wholly in force at 12.1.2000; by virtue of s. 425(2) it is provided that this Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; [s. 410](#) in force at 12.1.2000 by [S.I. 1999/3434](#), [art. 2](#)

#### Marginal Citations

**M434** [1996 c. 18](#).

## 411 Pensions.

- (1) A Minister of the Crown may by order make provision with respect to the provision of pensions for or in respect of persons who are or have been employees of, or of subsidiaries of,—
- (a) any of the bodies or persons falling within subsection (2) of section 408 above;
  - (b) any of the bodies or persons falling within subsection (3) of that section; or
  - (c) any body or person whose undertaking, or part of whose undertaking, has been transferred by or under any enactment to a body or person falling within paragraph (b) above.
- (2) The provision that may be made by virtue of subsection (1) above includes provision for or in connection with—
- (a) the establishment of pension schemes or pension funds;

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- (b) the administration or management of pension schemes or pension funds;
  - (c) enabling persons to participate, or continue to participate, in any pension scheme and requiring their employers to make contributions under that scheme;
  - (d) the rates, or the variation of the rates, of contributions to be made under any pension scheme, whether by employees or employers;
  - (e) the re-arrangement, amalgamation, simplification or assimilation of pension schemes.
- (3) An order under subsection (1) above may make provision for or in connection with—
- (a) the alteration or winding up of any pension scheme or pension fund, whether in whole or in part;
  - (b) the variation of any trust;
  - (c) the transfer of the whole or any part of any pension fund or of any rights, obligations or liabilities under a pension scheme;
  - (d) the persons by whom any function under or relating to the scheme is to be exercisable;
  - (e) establishing a body to administer or assist in administering a pension scheme;
  - (f) enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme;
  - (g) empowering the persons responsible for administering a pension scheme to carry out arrangements for the participation in the scheme of a person who has been an employee of, or of a subsidiary of, a body or person falling within paragraph (b) or (c) of subsection (1) above;
  - (h) the amendment of a pension scheme;
  - (i) the manner in which questions arising under the order are to be determined.
- (4) An order under subsection (1) above may amend—
- (a) the trust deed of any pension scheme;
  - (b) the rules of any such scheme; or
  - (c) any other instrument relating to the constitution, management or operation of any such scheme;
- and any reference in this section to the amendment of a pension scheme includes a reference to the amendment of any such trust deed, rules or other instrument.
- (5) An order under subsection (1) above may make provision for or in connection with cases where a person who, having pension rights to which such an order relates, becomes—
- (a) the Mayor or an Assembly member;
  - (b) a member of a body or person falling within subsection (2) of section 408 above; or
  - (c) a director of a subsidiary of such a body or person.
- (6) The provision that may be made by virtue of subsection (5) above includes, in particular, provision for or in connection with—
- (a) treating a person's service as such a member or director as service in the employment of, or of a subsidiary of, such a body or person; or
  - (b) treating two or more periods of service as continuous.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order.

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- (8) An order under this section may only be made after consultation with the trustees or managers, or the administrators, of any pension fund or pension scheme to which the order relates.
- (9) An order under subsection (1) above which makes provision by virtue of subsection (3) (f) above in relation to persons who are or have been employees of the Metropolitan Police Authority shall only be made—
- (a) after consultation with the Metropolitan Police Authority, and
  - (b) with the consent of the Minister for the Civil Service.
- (10) Schedule 32 to this Act (which makes provision in relation to schemes for the provision of pensions or other benefits for or in respect of employees etc of London Regional Transport and its subsidiaries) shall have effect.
- (11) In this section—
- “instrument” includes an enactment or any subordinate legislation;
  - “pension” means a pension of any kind payable to or in respect of a person and includes—
    - (a) a lump sum, allowance or gratuity so payable; and
    - (b) a return of contributions, with or without interest or other addition;
  - “pension rights” includes—
    - (a) all forms of right to or eligibility for the present or future payment of a pension to or in respect of a person; and
    - (b) a right of allocation in respect of the present or future payment of a pension;
  - “pension scheme” means an occupational pension scheme, as defined in section 1 of the <sup>M435</sup>Pension Schemes Act 1993.

#### Commencement Information

**I87** S. 411: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### Marginal Citations

**M435** 1993 c. 48.

## 412 Transfer and pension instruments: common provisions.

- (1) The property, rights and liabilities which may be transferred by a transfer or pension instrument include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned; and
  - (b) rights and liabilities under enactments.
- (2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property shall operate or become exercisable as a result of any transfer of land or other property by virtue of a transfer or pension instrument (whether or not any consent required to the transfer has been obtained).

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- (3) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a transfer or pension instrument.
- (4) For purposes connected with any transfers made by virtue of a transfer or pension instrument (including the transfer of rights and liabilities under an enactment) a body or person to which anything is transferred by virtue of the instrument is to be treated as the same person in law as the body or person from which it is transferred, except as otherwise provided in the instrument.
- (5) Subsection (4) above is without prejudice to section 300 above, section 415 below or any other provision made by or under this Act which makes transitional provision in relation to a transfer.
- (6) Subsections (2) to (5) above shall have effect in relation to—
  - (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
  - (b) the doing of any other thing in relation to land or other property,as they have effect in relation to a transfer of land or other property.
- (7) A transfer or pension instrument may define the property, rights and liabilities to be transferred by it—
  - (a) by specifying or describing them;
  - (b) by referring to all (or all but so much as may be excepted) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor; or
  - (c) partly in the one way and partly in the other.
- (8) A transfer or pension instrument may make provision for the apportionment or division of any property, rights or liabilities.
- (9) Where a transfer or pension instrument makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to him as a result of the apportionment or division.
- (10) The provision that may be made by a transfer or pension instrument includes provision for—
  - (a) any transfer of land or other property by virtue of the instrument,
  - (b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
  - (c) the doing of any other thing in relation to land or other property by virtue of the instrument,to be on such terms, including financial terms, as the body or person making the instrument thinks fit.
- (11) A transfer or pension instrument, other than an order under section 411 above, may provide—

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- (a) that disputes as to the effect of the instrument between the transferor and any transferee are to be referred to such arbitration as may be specified in or determined under the instrument;
  - (b) that determinations on such arbitrations and certificates given jointly by the transferor and any transferee as to the effect of the instrument as between them are to be conclusive for all purposes.
- (12) A Minister of the Crown may by order confer on any body or person to whom property, rights or liabilities are transferred by a transfer or pension instrument any statutory functions which were previously exercisable in relation to that property or, as the case may be, those rights or liabilities—
- (a) by a body or person falling within subsection (3) of section 408 above; or
  - (b) in the case of a transfer under or by virtue of section 411 above, the transferor under the instrument.
- (13) It shall be the duty—
- (a) of each of the bodies and persons falling within subsection (2) or (3) of section 408 above, and
  - (b) of the trustees or managers, or administrators, of any pension scheme,
- to provide any Minister of the Crown with such information or assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by him in relation to transfer or pension instruments.
- (14) Where any person is entitled, in consequence of any transfer made by virtue of a transfer or pension instrument, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—
- (a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
  - (b) section 64 of the <sup>M436</sup>Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.
- (15) In this section—
- “relevant document” means—
    - (a) any enactment, other than an enactment contained in this Act;
    - (b) any subordinate legislation made otherwise than under this Act; or
    - (c) any deed or other instrument;
  - “transfer or pension instrument” means—
    - (a) an order under section 408 or 411 above; or
    - (b) a scheme under section 409 above.

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**Commencement Information**

**I88** S. 412 wholly in force at 12.1.2000; by virtue of s. 425(2) it is provided that the Act comes into force at Royal Assent in regards to any power of an Minister of the Crown to make regulations or an order; s. 412 in force at 12.1.2000 by S.I. 1999/3434, art. 2

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#### Marginal Citations

M436 1925 c. 20.

### 413 Modification of transfer or pension instruments.

- (1) If, at any time after a transfer or pension instrument has come into force, a Minister of the Crown considers it appropriate to do so, he may by order provide that the instrument shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.
- (2) An order under subsection (1) above may make such provision as could have been made by the transfer or pension instrument.
- (3) An order under subsection (1) above may only be made after the requisite consultation.
- (4) If, at any time after a scheme under section 409 above has come into force, a Minister of the Crown considers it appropriate to do so, he may by directions require a body or person falling within subsection (2) of section 408 above to prepare modifications to the scheme of such a description as may be specified in the directions.
- (5) Where a body or person is required to prepare any modifications under subsection (4) above, the body or person shall submit the modifications to the Minister for his approval before such date as he may direct.
- (6) Where any modifications are submitted under subsection (5) above, the Minister may approve them with or without amendment.
- (7) Approval under subsection (5) above shall only be given after the requisite consultation.
- (8) An approval under subsection (5) above shall take effect on such date as the Minister may specify in giving the approval.
- (9) Where any modifications are made and approved under the preceding provisions of this section, whether with or without amendment, the scheme shall for all purposes be deemed to have come into force with those modifications, subject to any such amendment.
- (10) For the purposes of this section, “the requisite consultation”—
  - (a) if or to the extent that the transfer or pension instrument concerned makes provision by virtue of the pension powers of this Part, is consultation with the trustees or managers, or the administrators, of any pension scheme affected; and
  - (b) if or to the extent that the transfer or pension instrument concerned makes provision otherwise than by virtue of the pension powers of this Part, is consultation with any body which, or person who, the Minister considers may be affected.
- (11) In this section—
  - “approval” means approval in writing;
  - “the pension powers of this Part” means—
    - (a) in the case of a scheme, section 409(7) above; and
    - (b) in the case of an order, section 411 above;

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

#### **Commencement Information**

**189** S. 413: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### **414 Foreign property, rights or liabilities: perfection of vesting.**

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

#### *Continuity*

#### **415 Continuity.**

- (1) None of the following, that is to say—
  - (a) the abolition or dissolution by or under this Act of any body or office,



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- (b) the transfer, repeal or revocation by or under this Act of any functions, or
  - (c) the transfer by or under this Act of any property, rights or liabilities,shall affect the validity of anything done before the abolition, dissolution, transfer, repeal or revocation takes effect.
- (2) Subsections (3) to (5) below apply where any functions, property, rights or liabilities are transferred by or under this Act from a body or person (“the transferor”) to another body or person (“the transferee”).
- (3) There may be continued by or in relation to the transferee anything (including legal proceedings) which—
  - (a) relates to any of the functions, property, rights or liabilities transferred, and
  - (b) is in the process of being done by or in relation to the transferor immediately before the transfer takes effect.
- (4) Anything which—
  - (a) was made or done by or in relation to the transferor for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred, and
  - (b) is in effect immediately before the transfer takes effect,shall have effect as if made or done by or in relation to the transferee.
- (5) The transferee shall be substituted for the transferor in any instruments, contracts or legal proceedings which—
  - (a) relate to any of the functions, property, rights or liabilities transferred, and
  - (b) are made or commenced before the transfer takes effect.
- (6) Any reference in this section to anything made or done by or in relation to the transferor includes a reference to anything which by virtue of any enactment is treated as having been made or done by or in relation to the transferor.
- (7) Any question under this section as to—
  - (a) whether any particular functions, property, rights or liabilities are transferred by or under this Act, or
  - (b) the body to which, or person to whom, any particular functions, property, rights or liabilities are so transferred,may be determined by a direction given by the Secretary of State.
- (8) Subsections (1) to (7) above are without prejudice to any provision made by or under this Act in relation to any particular functions.
- (9) Subsections (3) to (5) above do not apply in relation to the transfer of functions, property, rights and liabilities to the extent that the provision by which, or the order or instrument under which, the transfer is made provides otherwise.
- (10) Nothing in this section shall be construed—
  - (a) as continuing in force any contract of employment; or
  - (b) as transferring any rights or liabilities relating to pensions.

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**Modifications etc. (not altering text)**

C64 S. 415 excluded (13.3.2000) by S.I. 2000/412, art. 5

*Status:* Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Greater London Authority Act 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**C65** S. 415(3)-(5) applied (with modifications) (3.7.2000) by S.I. 2000/1552, art. 6

#### 416 Repeal and re-enactment: supplementary provisions.

(1) Where—

- (a) provision is made by or under this Act for the repeal and re-enactment (with or without modifications) of any provision of the <sup>M437</sup>London Regional Transport Act 1984, and
- (b) the provision as re-enacted (“the new provision”) comes into force before the repeal of the provision of the <sup>M438</sup>London Regional Transport Act 1984 (“the old provision”),

subsection (2) below shall apply.

(2) Where this subsection applies, the provision that may be made by the Secretary of State under or by virtue of any power to make transitional provision by order under any provision of this Part includes power to make provision—

- (a) for any reference to the old provision in any relevant document to be construed as, or as including, a reference to the new provision, or
- (b) for anything made or done, or having effect as if made or done, under or by virtue of the old provision, to have effect, to the extent that it could have been made or done under or by virtue of the new provision, as if made or done under or by virtue of the new provision,

notwithstanding that the repeal of the old provision has not come into force.

(3) In subsection (2) above “relevant document” means—

- (a) any enactment;
- (b) any instrument made under an enactment;
- (c) any deed or other instrument;
- (d) any agreement;
- (e) any document not falling within the other paragraphs of this subsection.

(4) An order under subsection (2) above may make provision—

- (a) in relation to all provisions falling within subsection (1)(b) above or such of those provisions as may be specified or described in the order; and
- (b) generally or in relation to such cases or circumstances, or such relevant documents or descriptions of relevant documents, as may be so specified or described.

(5) Subsections (6) to (8) below have effect in relation to any agreement made by London Regional Transport under or by virtue of paragraph (a) of section 3(2A) of the <sup>M439</sup>London Regional Transport Act 1984 (whether or not the agreement is a transport subsidiary’s agreement or has effect as if made under or by virtue of section 156(3) of this Act by Transport for London).

(6) In the case of any such agreement—

- (a) no provision of the agreement shall operate or cease to have effect, and
- (b) no rights under the agreement shall operate or become exercisable,

by reason only that a statutory duty exercisable by any body or person (“the predecessor”) becomes exercisable instead by another body or person (“the transferee”) in consequence of any provision made by or under this Act for the

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

- (7) Accordingly, any such agreement shall continue in force and have effect as if the predecessor and the transferee were in law the same person and as if there had been no change in the body or person by whom the statutory duty is exercisable.
- (8) In any such agreement, or any agreement made in connection with such an agreement, any reference to London Regional Transport's duties under the <sup>M440</sup>London Regional Transport Act 1984 shall be taken as including a reference to the corresponding duties of Transport for London or the Authority (whether acting by the Mayor, the Assembly or the Mayor and Assembly acting jointly) under this Act.
- (9) This section is without prejudice to—
  - (a) any power conferred by any other provision of this Act; and
  - (b) sections 15 to 17 of the <sup>M441</sup>Interpretation Act 1978.

#### Commencement Information

**I90** S. 416 wholly in force at 12.1.2000; by virtue of s. 425(2) it is provided that the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 416 in force at 12.1.2000 by S.I. 1999/3434, art. 2

#### Marginal Citations

**M437** 1984 c. 32.

**M438** 1984 c. 32.

**M439** 1984 c. 32.

**M440** 1984 c. 32.

**M441** 1978 c. 30.

### Taxation provisions

#### 417 Stamp duty and stamp duty reserve tax.

- (1) Neither stamp duty nor stamp duty reserve tax shall be chargeable on, or in respect of,—
  - (a) a transfer instrument;
  - (b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by a Minister of the Crown as made in pursuance of a transfer instrument; or
  - (c) an instrument or agreement which is certified to the Commissioners of Inland Revenue by a Minister of the Crown as giving effect to a preparatory reorganisation, to the extent that the instrument or agreement is so certified.
- (2) No instrument or agreement which is certified as mentioned in paragraph (b) or (c) of subsection (1) above shall be taken to be duly stamped unless—
  - (a) it is stamped with the duty to which it would, but for that subsection, be liable; or
  - (b) it has, in accordance with section 12 of the <sup>M442</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

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- (3) Section 12 of the <sup>M443</sup>Finance Act 1895 shall not operate to require—
- (a) the delivery to the Inland Revenue of a copy of this Act, or
  - (b) the payment of stamp duty under that section on any copy of this Act,
- and shall not apply in relation to any instrument on which, by virtue of subsection (1) above, stamp duty is not chargeable.
- (4) In subsection (1) above, “transfer instrument” means—
- (a) an order under section 408 or 411 above; or
  - (b) a scheme under section 409 above.
- (5) In subsection (1) above “preparatory reorganisation” means the transfer of property, rights and liabilities—
- (a) from London Regional Transport to any of its subsidiaries,
  - (b) from a subsidiary of London Regional Transport to London Regional Transport,
  - (c) from a subsidiary of London Regional Transport to another such subsidiary, or
  - (d) from a Minister of the Crown to London Regional Transport or any of its subsidiaries,
- preparatory to any provision made or to be made by or under this Act.

#### **Marginal Citations**

**M442** 1891 c. 39.

**M443** 1895 c. 16.

#### **418 Stamp duty: instruments under London Regional Transport Act 1984.**

- (1) Section 64 of the <sup>M444</sup>London Regional Transport Act 1984 (stamp duty) shall be amended as follows.
- (2) In subsection (7)(a) (which, among other things, provides an exemption in relation to transfers in pursuance of a scheme made under section 9(6) in compliance with a direction of the Secretary of State under section 10)—
- (a) after “or to a transfer made in pursuance of” there shall be inserted “, or otherwise in connection with,”;
  - (b) after “section 9(6) of this Act” there shall be inserted “ (i) ”; and
  - (c) after “under section 10 of this Act; or” there shall be inserted—
    - “(ii) in preparation for, or in pursuance of, a PPP agreement, within the meaning of Chapter VII of Part IV of the Greater London Authority Act 1999, or a contract falling within paragraph 6(2) of Schedule 33 to that Act; or”.
- (3) After subsection (7) there shall be inserted—
- “(7A) Any reference in subsection (7)(a) above to a transfer includes—
- (a) a reference to an agreement for a lease or underlease; and
  - (b) a reference to the grant of a lease or underlease.”

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**Marginal Citations**

M444 1984 c. 32.

**419 Taxation.**

- (1) The following bodies, namely—
  - (a) Transport for London,
  - (b) the Metropolitan Police Authority, and
  - (c) the London Fire and Emergency Planning Authority,shall each be treated as a local authority for the purposes of the enactments mentioned in subsection (2) below.
- (2) The enactments are—
  - (a) section 519 of the <sup>M445</sup>Income and Corporation Taxes Act 1988 (exemption of local authorities from income and corporation taxes); and
  - (b) section 271 of the <sup>M446</sup>Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).
- (3) In sections 170 to 181 of the <sup>M447</sup>Taxation of Chargeable Gains Act 1992 (groups of companies) references to a company do not apply to Transport for London.
- (4) Schedule 33 to this Act (which makes further provision about taxation) shall have effect.

**Marginal Citations**

M445 1988 c. 1.

M446 1992 c. 12.

M447 1992 c. 12.

*Miscellaneous and supplemental*

**420 Regulations and orders.**

- (1) Except to the extent that this Act makes provision to the contrary, any power conferred by this Act to make regulations or an order includes power—
  - (a) to make different provision for different cases; and
  - (b) to make incidental, consequential, supplemental or transitional provision and savings.
- (2) Any power conferred on a Minister of the Crown by this Act to make regulations or an order shall be exercisable by statutory instrument.
- (3) A statutory instrument containing (whether alone or with other provisions) an order under—
  - [<sup>F139</sup>(za) section 17A(3) above,]
  - (a) section 21(1)(b) above,
  - (b) section 31 above,
  - (c) section 326(1) above, or

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- (d) section 405(1) above,  
shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subsection (3) above shall not have effect in relation to a statutory instrument containing an order under section 326(1) or 405(1) above making—
- (a) amendments or repeals in an enactment contained in a local and personal or private Act,
  - (b) amendments or revocations in subordinate legislation which was not subject to affirmative parliamentary procedure, or
  - (c) provision of any description by virtue of section 405(2) or subsection (1) above in connection with any such amendments, repeals or revocations,
- if it would not have effect in relation to that instrument apart from those amendments, repeals or revocations or that provision.
- (5) A statutory instrument containing regulations under—
- (a) paragraph 16(2) of Schedule 23 to this Act, or
  - (b) paragraph 4 or 22(2) of Schedule 24 to this Act,
- shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.
- (6) A statutory instrument—
- (a) which contains (whether alone or with other provisions)—
    - (i) regulations under any provision of this Act specified in subsection (7) below, or
    - (ii) an order under any provision of this Act specified in subsection (8) below, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The provisions mentioned in subsection (6)(a)(i) above are—
- any provision contained in Chapters I to IV or VI of Part III of this Act;  
[F<sup>140</sup>section 189;]  
any provision of Part VIII of this Act;  
section 396(2);  
paragraph 10 of Schedule 17;  
Schedule 23, other than provisions specified in subsection (5) above;  
Schedule 24, other than provisions specified in subsection (5) above.
- (8) The provisions mentioned in subsection (6)(a)(ii) above are—
- (section 3) or (4);  
section 25;  
section 63;  
section 157;  
section 158(4);  
section 163;  
section 207;

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section 235(4);

[<sup>F141</sup>section 242(10);]

section 326(1);

section 395(3);

section 405;

section 406;

section 408;

section 411;

section 412;

section 413;

paragraph 7(3) of Schedule 12;

paragraph 9(1)(b) of Schedule 17;

paragraph 1 of Schedule 28.

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

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

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

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

#### Textual Amendments

**F139** S. 420(3)(za) inserted (9.3.2000) by 2000 c. 2, s. 14(3)

**F140** Words in s. 420(7) inserted (E.W.) (1.2.2001 (E.) for specified purposes and for other purposes (E.) (1.4.2002) and otherwise *prosp.*) by 2000 c. 38, ss. 267(8), 275(1); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II); S.I. 2002/658, art. 2, Sch. Pt. 2

**F141** Words in s. 420(8) inserted (1.4.2001) by 2000 c. 38, s. 161, Sch. 11 para. 23; S.I. 2000/3229, 2(3), Sch. Pt. III (with transitional provisions in art. 3)

#### 421 Directions.

(1) Any direction given under this Act shall be in writing.

(2) Any power conferred by this Act to give a direction shall include power to vary or revoke the direction.

#### 422 Financial provisions.

There shall be paid out of money provided by Parliament—

(a) any expenditure incurred by a Minister of the Crown or government department under or by virtue of this Act; and

(b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

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## 423 Repeals.

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

### Commencement Information

- I91** S. 423 partly in force; s. 423 not in force at Royal Assent see s. 425(2); s. 423 in force for certain purposes at 12.1.2000 by S.I. 1999/3434, art. 2; s. 423 in force for further certain purposes at 3.7.2000 by S.I. 1999/3434, art. 4, Sch. 2 Table 2; s. 423 in force for further certain purposes at 3.7.2000 by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3; s. 423 in force for further certain purposes (3.7.2000) by S.I. 2000/1648, art. 2, Sch.; s. 423 in force for further certain purposes (1.1.2001) by S.I. 2000/3379, art. 2(b) (subject to saving in art. 3)
- I92** S. 423 in force at 15.7.2003 for specified purposes by S.I. 2003/1920, art. 2(f)

## 424 Interpretation.

- (1) In this Act, unless the context otherwise requires,—
- “advisory committee” and “advisory sub-committee”, in relation to the Assembly, shall be construed in accordance with section 55(4) and (5) above;
  - “the Assembly” means the London Assembly;
  - “Assembly member” means a member of the Assembly;
  - “the Authority” means the Greater London Authority;
  - “certify” means certify in writing; and related expressions shall be construed accordingly;
  - “the Common Council” means the Common Council of the City of London;
  - “company” means any body corporate;
  - “constituency member” shall be construed in accordance with section 2(2)(a) above;
  - “financial year” means a period of twelve months ending with 31st March;
  - “the Fire etc Authority” has the meaning given by section 328(2);
  - “functional body” means—
    - (a) Transport for London;
    - (b) the London Development Agency;
    - (c) the Metropolitan Police Authority; or
    - (d) the London Fire and Emergency Planning Authority;
  - “GLA road” has the same meaning as in the <sup>M448</sup>Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);
  - “GLA side road” has the same meaning as in the <sup>M449</sup>Road Traffic Regulation Act 1984 (see sections 124A(9) and section 142(1) of that Act);
  - “guidance” means guidance in writing;
  - “local authority” has the same meaning as in the <sup>M450</sup>Local Government Act 1972;
  - “London member” shall be construed in accordance with section 2(2)(b) above;
  - “Mayor” means Mayor of London;
  - “member of staff”, in relation to the Authority, means a person appointed under section 67(1) or (2) above;



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“Minister of the <sup>M451</sup>Crown” has the same meaning as in the Ministers of the Crown Act 1975;

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

(a) have been laid or announced before, or otherwise presented to, either House of Parliament; or

(b) have been published by a Minister of the Crown;

“notice” means notice in writing;

“notify” means notify in writing;

“ordinary committee” and “ordinary sub-committee”, in relation to the Assembly, shall be construed in accordance with section 55(1) above;

“ordinary election” shall be construed in accordance with section 2(7) above;

“principal council” has the same meaning as in the <sup>M452</sup>Local Government Act 1972;

“principal purposes”, in relation to the Authority, shall be construed in accordance with section 30(2) above;

“proper officer” shall be construed in accordance with subsection (2) below;

“standing orders”, in relation to the Authority, shall be construed in accordance with subsection (3) below;

“statutory functions” means functions conferred or imposed by or under any enactment;

“subordinate legislation” has the same meaning as in the <sup>M453</sup>Interpretation Act 1978 (see section 21(1) of that Act);

“subsidiary” has the meaning given to it by section 736 of the <sup>M454</sup>Companies Act 1985;

“transport subsidiary’s agreement” has the meaning given by section 169 above.

- (2) In this Act, and in any enactment applied by this Act, any reference to a proper officer and any reference which by virtue of this Act is to be construed as such a reference, shall in relation to the Authority or a functional body and any purpose or area be construed as a reference to an officer appointed by the Authority or body for that purpose or area.
- (3) In this Act, or any other enactment which has effect in relation to the Authority, any reference to standing orders shall, in its application in relation to the Authority, have effect as a reference to standing orders of the Authority made under and in accordance with section 36 above.
- (4) Any power conferred by this Act to affect enactments by subordinate legislation is exercisable notwithstanding that those enactments consist of or include—
- (a) provisions contained in Part III above;
  - (b) provisions relating to the subject matter of that Part; or
  - (c) provisions creating or otherwise relating to offences.
- (5) In subsection (4) above “affect”, in relation to any enactment, includes make—
- (a) incidental, consequential, transitional, supplemental or supplementary provision or savings; or
  - (b) amendments, modifications or adaptations.

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### Commencement Information

**I93** S. 424 wholly in force at 12.1.2000; by virtue of s. 425(2) it is provided that the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 424 in force for certain purposes at 14.12.1999 by [S.I. 1999/3376](#), [art. 2](#); s. 424 in force at 12.1.2000 insofar as not already in force by [S.I. 1999/3434](#), [art. 2](#) (subject to transitional provisions in Sch. 1 Table 2)

### Marginal Citations

**M448** 1980 c. 66.

**M449** 1984 c. 27.

**M450** 1972 c. 70.

**M451** 1975 c. 26.

**M452** 1972 c. 70.

**M453** 1978 c. 30.

**M454** 1985 c. 6.

## 425 Short title, commencement and extent.

- (1) This Act may be cited as the Greater London Authority Act 1999.
- (2) Apart from this section, section 420 above and any power of a Minister of the Crown to make regulations or an order (which accordingly come into force on the day on which this Act is passed) the provisions of this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.
- <sup>F142</sup>(3) .....
- (4) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.
- (5) Any such order may include such adaptations of—
  - (a) the provisions which it brings into force, or
  - (b) any other provisions of this Act then in force,
 as appear to the Secretary of State to be necessary or expedient for the purpose or in consequence of the operation of any provision of this Act (including, in particular, the provisions which the order brings into force) before the coming into force of any other provision.
- (6) Subsections (4) and (5) above are without prejudice to section 420 above.
- (7) Subject to subsection (8) below, this Act does not extend to Northern Ireland.
- (8) Any amendment or repeal made by this Act shall have the same extent as the enactment to which it relates.

### Subordinate Legislation Made

**P1** S. 425 power partly exercised (8.12.1999): different dates appointed for specified provisions by [S.I. 1999/3271](#), [arts. 2-4](#)

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- S. 425 power partly exercised (21.12.1999): different dates appointed for specified provisions by [S.I. 1999/3434](#), [arts. 2-4](#)
- P2** S. 425(2) power partly exercised (13.12.1999): 14.12.1999 appointed for specified provisions by [S.I. 1999/3376](#), [art. 2](#)
- S. 425(2) power partly exercised (20.3.2000): different dates appointed for specified provisions by [S.I. 2000/801](#), [art. 2](#) (as amended by [S.I. 2000/1648](#), [art. 3](#))
- S. 425(2) power partly exercised (14.4.2000): different dates appointed for specified provisions by [S.I. 2000/1094](#), [arts. 3, 4](#)
- S. 425(2) power partly exercised (16.4.2000): "the operative date" (as defined in [S.I. 2000/1095](#), [art. 1](#)) appointed for specified provisions and 3.7.2000 appointed for specified provisions by [S.I. 2000/1095](#), [art. 4](#)
- S. 425(2) power partly exercised (21.6.2000): 3.7.2000 appointed for specified provisions by [S.I. 2000/1648](#), [art. 2](#)
- S. 425(2) power partly exercised (28.11.2000): 22.1.2001 appointed for specified provisions by [S.I. 2000/3145](#), [art. 2](#)
- S. 425(2) power partly exercised (22.11.2000): 1.1.2001 appointed for specified provisions by [S.I. 2000/3379](#), [art. 2](#) (subject to saving in [art. 3](#))
- S. 425(2) power partly exercised (5.11.2001): 7.11.2001 appointed for specified provisions by [S.I. 2001/3603](#), [art. 2](#)

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#### Textual Amendments

- F142** S. 425(3) repealed (10.7.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. 114(6), [Sch. 8](#)

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### ASSEMBLY CONSTITUENCIES AND ORDERS UNDER SECTION 2(4)

**Modifications etc. (not altering text)**

- C66** Sch. 1: Power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise 30.10.2001) by 2000 c. 41, s. 18, 163(2) (with s. 156(6)); S.I. 2001/3526, art. 2(c)  
 Sch. 1: functions transferred (1.4.2002) by S.I. 2001/3962, art. 3(2)(d)

### PART I

#### ASSEMBLY CONSTITUENCIES

##### *Changes to Assembly constituencies*

- 1 (1) This paragraph applies where, as a result of—
- (a) a <sup>F143</sup>request] under section 13(1) of the <sup>M455</sup>Local Government Act 1992 (“the 1992 Act”), or
  - (b) a further review under section 15(6) of that Act,
- the <sup>F144</sup>Electoral Commission recommend] 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).
- <sup>F145</sup>(3) Where this paragraph applies, the Electoral Commission shall direct the Boundary Committee for England (“the Committee”) to conduct a review in accordance with Part II of the 1992 Act and to submit to the Electoral Commission the reports required under sub-paragraph (4) or (5) below;]
- (4) If the <sup>F146</sup>Committee][<sup>F147</sup>are] 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 <sup>F148</sup>Electoral Commission] the changes which in the opinion of the <sup>F146</sup>Committee] should be made to Assembly constituencies to comply with those rules.

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(5) If the [<sup>F149</sup>Committee are] not of the opinion mentioned in sub-paragraph (4) above, the report required is one which states that fact.

[<sup>F150</sup>(5A) The Electoral Commission may direct the Committee to reconsider the recommendation made under sub-paragraph (4)]

<sup>F151</sup>(6) .....

<sup>F151</sup>(7) .....

#### Textual Amendments

- F143** Word in Sch. 1 para. 1(1)(a) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(a)(i)  
**F144** Words in Sch. 1 para. 1(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(a)(ii)  
**F145** Sch. 1 para. 1(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(b)  
**F146** Words in Sch. 1 para. 1(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(c)(i)  
**F147** Word in Sch. 1 para. 1(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(c)(ii)  
**F148** Words in Sch. 1 para. 1(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(c)(iii)  
**F149** Words in Sch. 1 para. 1(5) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(d)  
**F150** Sch. 1 para. 1(5A) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(e)  
**F151** Sch. 1 para. 1(6)(7) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 14(2)(f)

#### Marginal Citations

**M455** 1992 c. 19.

#### *Comprehensive review of Assembly constituencies*

- 2 (1) If the [<sup>F152</sup>Electoral Commission] at any time so [<sup>F153</sup>direct], the [<sup>F154</sup>Committee] shall carry out a comprehensive review of Assembly constituencies and submit to the [<sup>F152</sup>Electoral Commission] a report—
- (a) showing the areas into which [<sup>F155</sup>they recommend] Greater London should be divided to form the Assembly constituencies; and
  - (b) stating the name by which [<sup>F155</sup>they recommend] that each Assembly constituency should be known.
- (2) No recommendations shall be made by the [<sup>F156</sup>Committee] in a report under sub-paragraph (1) above unless the recommendations comply with the rules set out in paragraph 7 below.

#### Textual Amendments

- F152** Words in Sch. 1 para. 2(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(3)(a)(i)  
**F153** Word in Sch. 1 para. 2(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(3)(a)(ii)  
**F154** Word in Sch. 1 para. 2(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(3)(a)(iii)  
**F155** Words in Sch. 1 para. 2(1)(a)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(3)(a)(iv)  
**F156** Word in Sch. 1 para. 2(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(3)(b)

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### *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, <sup>F157</sup>the Committee shall take such steps as they consider 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 <sup>F158</sup>Committee; and
  - (b) any direction under paragraph 5 below.
- (3) Before submitting <sup>F159</sup>their report, the Committee shall—
- (a) take into consideration any representations <sup>F160</sup>made to them] within the period mentioned in sub-paragraph (2)(a) above;
  - (b) prepare a draft report and take such steps as <sup>F161</sup>they consider] 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 <sup>F162</sup>Committee] within the period mentioned in paragraph (b) above.
- (4) As soon as the <sup>F163</sup>Committee are] in a position to submit <sup>F164</sup>their report]to the <sup>F165</sup>Electoral Commission] (and in any event not later than the date specified in the timetable for submission of the report), <sup>F166</sup>they shall]—
- (a) submit the report to <sup>F167</sup>them];
  - (b) take such steps as <sup>F168</sup>they consider] 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.

#### **Textual Amendments**

**F157** Words in Sch. 1 para. 3(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(a)(i)

**F158** Word in Sch. 1 para. 3(2)(a) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(a)(ii)

**F159** Words in Sch. 1 para. 3(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(b)(i)

**F160** Words in Sch. 1 para. 3(3)(a) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(b)(ii)

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- F161** Words in Sch. 1 para. 3(3)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(b)(iii)  
**F162** Word in Sch. 1 para. 3(3)(d) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(b)(iv)  
**F163** Words in Sch. 1 para. 3(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(i)  
**F164** Words in Sch. 1 para. 3(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(ii)  
**F165** Words in Sch. 1 para. 3(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(iii)  
**F166** Words in Sch. 1 para. 3(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(iv)  
**F167** Word in Sch. 1 para. 3(4)(a) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(v)  
**F168** Words in Sch. 1 para. 3(4)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(4)(c)(vi)

#### *Further report*

- 4 (1) Where a report is submitted to the [F169Electoral Commission] in accordance with a direction under paragraph 2(1) above, [F170they may, if they think fit], direct the [F171Committee]—
- (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 [F172Committee] in a further report unless the recommendations comply with the rules set out in paragraph 7 below.

#### **Textual Amendments**

- F169** Words in Sch. 1 para. 4(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(5)(a)(i)  
**F170** Words in Sch. 1 para. 4(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(5)(a)(ii)  
**F171** Word in Sch. 1 para. 4(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(5)(a)(iii)  
**F172** Word in Sch. 1 para. 4(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(5)(b)

#### *Directions*

- 5 The [F173Electoral Commission] may give directions as to the exercise by the [F174Committee] of any of [F175their functions] under this Schedule; and, in particular, the directions may—
- (a) specify matters which the [F174Committee] must take into account in preparing a report; and
  - (b) require the [F174Committee] to have regard to any guidance given by the [F173Electoral Commission] as respects matters to be taken into account in preparing a report.

#### **Textual Amendments**

- F173** Words in Sch. 1 para. 5 substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(6)(a)  
**F174** Words in Sch. 1 para. 5 substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(6)(b)

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**F175** Words in Sch. 1 para. 5 substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(6)(c)

*Payments by Secretary of State to Commission*

**F176** 6 .....

**Textual Amendments**

**F176** Sch. 1 para. 6 omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 14(7)

*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.
  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 <sup>F177</sup>(1) Subject to paragraph (1A) an order under section 2(4) of this Act may give effect, with or without modifications to all or any of the recommendations made to the Electoral Commission under—
- (a) paragraph 1(4) or (5A) above;
  - (b) paragraph 2(1) above; or
  - (c) paragraph 4(1)(b) above.
- (1A) No modifications may be made to any recommendations contained in a report unless they have been agreed with the Committee.]
- (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.



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- (3) Before making an order falling within sub-paragraph (2) above, the [<sup>F178</sup>Electoral Commission] may by a direction require the [<sup>F179</sup>Committee] to supply [<sup>F180</sup>them] with such additional information as may be described in the direction.
- (4) In sub-paragraph (1) above, “modifications” includes additions, alterations and omissions.

#### Textual Amendments

**F177** Sch. 1 para. 8(1)(1A) substituted for para. 8(1) (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(8)(a)

**F178** Words in Sch. 1 para. 8(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(8)(b)(i)

**F179** Word in Sch. 1 para. 8(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(8)(b)(ii)

**F180** Word in Sch. 1 para. 8(3) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(8)(b)(iii)

#### Commencement Information

**I94** Sch. 1 para. 8 wholly in force at 14.12.1999: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; Sch. 1 para. 8 in force at 14.12.1999 insofar as not already in force by S.I. 1999/3376, art. 2

- 9 (1) Where the [<sup>F181</sup>Electoral Commission are] 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 <sup>M456</sup>Interpretation Act 1978 (implied power to amend),
- [<sup>F182</sup>they may by order made by statutory instrument] under this sub-paragraph make such provision as [<sup>F183</sup>they think] 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.

#### Textual Amendments

**F181** Words in Sch. 1 para. 9(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(9)(a)

**F182** Words in Sch. 1 para. 9(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(9)(b)

**F183** Word in Sch. 1 para. 9(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 14(9)(c)

#### Commencement Information

**I95** Sch. 1 para. 9 wholly in force at 14.12.1999: Sch. 1 para. 9 in force at Royal Assent (11.11.1999) for certain purposes see s. 425(2); Sch. 1 para. 9 in force at 14.12.1999 insofar as not already in force by S.I. 1999/3376, art. 2

#### Marginal Citations

**M456** 1978 c. 30.

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## 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

#### Modifications etc. (not altering text)

C67 Sch. 2 Pt. II applied (14.12.1999) by 1983 c. 2, s. 203B (as inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 paras. 1, 39(5) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2)

#### *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.

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- (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,
- 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.

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- (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.
- (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 <sup>M457</sup>People Act 1983 shall be amended as follows.

##### **Marginal Citations**

**M457** 1983 c. 2.

##### *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.

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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.
- (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;

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- (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—
  - “(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 <sup>M458</sup>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 <sup>M459</sup>Local Government Act 1972” there shall be inserted “ or the 1999 Act ”.

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**Marginal Citations**

M458 1972 c. 70.

M459 1972 c. 70.

*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 <sup>M460</sup>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 ”.

**Marginal Citations**

M460 1985 c. 50.

*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—



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- (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
- (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

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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.”

(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, ”.

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### *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,”; and
  - (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
  - (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.

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- (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 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*

F184 16 .....

#### **Textual Amendments**

**F184** Sch. 3 para. 16 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

### *Payment of expenses through election agent*

- 17 (1) Section 73 shall be amended as follows.

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- (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—

- (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—

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“(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.”

<sup>F185</sup>(4) .....

(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 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.”

#### **Textual Amendments**

**F185** Sch. 3 para. 19(4) repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### *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,

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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*

F18621 .....

**Textual Amendments**

**F186** Sch. 3 para. 21 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

*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.

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- (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.
- (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.”
- <sup>F187</sup>(5) . . . . .
- (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.”



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### Textual Amendments

**F187** Sch. 3 para. 24(5) repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### *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 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.”

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*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*

F188 28 .....

**Textual Amendments**  
**F188** Sch. 3 para. 28 repealed (16.3.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 3

*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*

F189 31 .....

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### Textual Amendments

**F189** Sch. 3 para. 31 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### *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—
  - (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.

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- (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—
  - (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.”

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*Candidate reported guilty of corrupt or illegal practice*

F190 35 .....

**Textual Amendments**

**F190** Sch. 3 para. 35 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I, Annex (subject to transitional provisions in Sch. 1 Pt. II)

*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—

- (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”—

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- (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 <sup>M461</sup>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 <sup>M462</sup>Registration of Political Parties Act 1998;”.

#### Marginal Citations

M461 1972 c. 70.

M462 1998 c. 48.

#### *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
- (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;”.

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- (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,
- 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.”

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## [<sup>F191</sup>SCHEDULE 3A

### FREE DELIVERY OF ELECTION ADDRESSES AT FIRST ELECTION OF MAYOR

#### Textual Amendments

**F191** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14(4), 17(3), Sch. 5

#### *Interpretation*

<sup>F192</sup><sub>1</sub>

In this Schedule—

- “the 1983 Act” means the Representation of the <sup>M463</sup>People Act 1983;
- “candidate” means a person who stands nominated as a candidate at the election;
- “the election” means the first election of the Mayor;
- “election address” shall be construed in accordance with paragraph 2 below;
- “election booklet” shall be construed in accordance with paragraph 6 below;
- “the GLRO” means the Greater London returning officer;
- “print” means print by whatever means (and “printer” shall be construed accordingly);
- “the relevant provisions” means the provisions of section 17A(1) of this Act and this Schedule.

#### Textual Amendments

**F192** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### Marginal Citations

**M463** 1983 c. 2.

#### *Election addresses*

<sup>F193</sup><sub>2</sub>

For the purposes of the relevant provisions an election address, in relation to a candidate, is a statement prepared by the candidate’s election agent which complies with the provisions of paragraphs 3 and 4.

#### Textual Amendments

**F193** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Contents of election addresses*

<sup>F194</sup><sub>3</sub>

- (1) An election address must contain matter relating to the election only.
- (2) In particular, an election address must not contain—
  - (a) any advertising material (other than material promoting the candidate as a candidate at the election);



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- (b) any other material appearing to be included with a view to commercial gain;  
or
  - (c) any material referring to any candidate standing for election to the Assembly.
- (3) An election address may include a representation of the registered emblem, or (as the case may be) one of the registered emblems, of a registered political party if the address is prepared on behalf of an authorised party candidate.
- (4) In sub-paragraph (3) above “authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem in question by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
  - (b) received by the GLRO before the last time for the delivery of nomination papers for the election.
- (5) An election address must—
- (a) contain a statement to the effect that it has been prepared by the candidate’s election agent; and
  - (b) give the name and address of the election agent.

#### Textual Amendments

**F194** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Form of election addresses*

- <sup>F195</sup>4 (1) Subject to any requirements imposed by or under this paragraph, the format of a candidate’s election address may be determined by the candidate (and, in particular, may consist of a combination of words, pictures and artwork).
- (2) An election address must be printed on not more than two sides of A5 paper; but if such an address is printed on two sides of such paper—
- (a) it must, when submitted to the GLRO for inclusion in the election booklet, be accompanied by a second version printed on a single side of such paper; and
  - (b) if the total number of candidates from whom election addresses have been accepted by the GLRO by the last time for the delivery of nomination papers for the election exceeds 15, the version to be included in the election booklet shall be the second version.
- (3) An election address must—
- (a) comply with such requirements as to typographical layout, margins and the use of colour as the GLRO may determine; and
  - (b) comply with such other requirements as he may determine with a view to facilitating its reproduction as a page or pages of the election booklet.
- (4) An election address must, when submitted to the GLRO for inclusion in the election booklet, be accompanied—
- (a) where the address is to contain a photograph of the candidate, by two identical copies of the photograph, of which one is signed on the back by the candidate; and
  - (b) in any case, by such copies of anything contained in the address as the GLRO may reasonably require in connection with the reproduction of the address.

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#### Textual Amendments

**F195** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Approval of election addresses by Post Office*

- F1965** (1) Before an election address is submitted to the GLRO for inclusion in the election booklet a draft of the address must have been—
- (a) submitted by the candidate to the Post Office, and
  - (b) approved by the Post Office as complying with the relevant Post Office regulations.
- (2) In sub-paragraph (1)(b) above “the relevant Post Office regulations” means the provisions of the Post Office regulations under section 91 of the 1983 Act as to the contents of election communications, other than the provisions of those regulations—
- (a) authorising the sending of different material to different groups, or
  - (b) requiring the name of the printer and publisher to appear on election literature.
- (3) Without prejudice to the operation of sub-paragraph (1)(b) above, the Post Office shall not approve an election address if, in their opinion, the address does not comply with the provisions of paragraph 3(1) and (2) above.

#### Textual Amendments

**F196** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *The election booklet*

- F1976** (1) For the purposes of this Schedule the election booklet is a document prepared by the GLRO which contains the election addresses of all candidates who—
- (a) desire their election addresses to be included in the booklet, and
  - (b) have submitted—
    - (i) those addresses, and
    - (ii) any additional material required under paragraph 4(4) above, to the GLRO by such date as he may determine.
- (2) If—
- (a) it appears to the GLRO that any of the requirements of paragraphs 3(3) to (5), 4 and 5(1) above has not been complied with in relation to an election address, or
  - (b) a candidate fails to make the payment required by paragraph 9 below in respect of an election address,
- the GLRO shall decline to include the address in the election booklet.

#### Textual Amendments

**F197** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

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### *Form of election booklet*

- F1987** (1) The order in which candidates' election addresses appear in the election booklet shall be determined alphabetically by reference to the candidates' surnames.
- (2) The election booklet may include, in addition to candidates' election addresses, a statement by the GLRO—
- (a) explaining the nature and purpose of the election booklet;
  - (b) listing, in alphabetical order, the names of all the candidates at the election (whether or not their election addresses are included in the booklet); and
  - (c) giving the date of the election and such other information about it as the GLRO may determine.
- (3) The election booklet must—
- (a) contain a statement that it has been published by the GLRO; and
  - (b) give the name and address of the GLRO and those of the printer of the booklet.
- (4) Subject to sub-paragraphs (1) to (3) above, the form of the election booklet shall be determined by the GLRO.
- (5) The election agent of each candidate whose election address has been accepted by the GLRO for inclusion in the booklet shall be given an opportunity to attend at a time and place notified to him by the GLRO in order to check, and submit to the GLRO typographical corrections to, the proof of the candidate's address.
- (6) If the election agent of any such candidate fails to avail himself of that opportunity, the GLRO may—
- (a) make such typographical corrections to the proof as appear to him to be appropriate; and
  - (b) proceed with the printing and distribution of the election booklet without further reference to the candidate or his election agent (and without incurring any liability for any errors in the candidate's address).
- (7) No person other than—
- (a) the candidate by whom or on whose behalf an election address included in the election booklet was prepared, or
  - (b) the candidate's election agent,
- shall incur any civil or criminal liability in respect of the publication of that address in the election booklet or its dissemination in accordance with paragraph 8 below.

#### **Textual Amendments**

**F198** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

### *Distribution of election booklet*

- F1998** (1) Copies of the election booklet shall be delivered by the GLRO to the Post Office, in envelopes addressed to individual electors falling within section 17A(1)(b) of this Act, at such time as the GLRO may determine.
- (2) The GLRO may disseminate the contents of the election booklet by such other means as he may determine.

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#### Textual Amendments

**F199** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Contributions by candidates towards costs of printing*

- F200**<sup>9</sup> (1) Each candidate by whom an election address is submitted to the GLRO for inclusion in the election booklet shall pay the sum of £10,000 to the GLRO as a contribution towards the expenses incurred by him in respect of the printing of the election booklet.
- (2) The payment required by sub-paragraph (1) above shall be made at such time, and in such manner, as the GLRO may determine.
- (3) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of his candidature before the last time for the withdrawal of candidates.
- (4) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the GLRO in respect of the printing of the election booklet, the GLRO shall—
- (a) divide the amount of the excess between the candidates in equal shares, and
  - (b) send to each candidate a payment in respect of his share.

#### Textual Amendments

**F200** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Payments by Secretary of State*

- F201**<sup>10</sup> Except so far as they are met by payments under paragraph 9 above, the expenses incurred by the GLRO in consequence of the relevant provisions shall be met by the Secretary of State.

#### Textual Amendments

**F201** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

#### *Candidates' election expenses*

- F202**<sup>11</sup> (1) The amount of any payment made by a candidate under paragraph 9 above (or, if sub-paragraph (4) of that paragraph applies, the net amount of any such payment after deducting the payment under that sub-paragraph) shall be taken, for the purposes of Part II of the 1983 Act (the election campaign), to be an amount of election expenses incurred by the candidate in relation to the election.
- (2) Nothing in section 75(1) of the 1983 Act (restriction on third party election expenditure) shall be taken to apply, in relation to any candidate, to any expenses incurred by the GLRO in consequence of the relevant provisions.]

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### Textual Amendments

**F202** Sch. 3A inserted (9.3.2000) by 2000 c. 2, ss. 14, 17(3), Sch. 5

## 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

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- (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—
  - (a) any appointment of a member of any of the functional bodies;

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- (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.

**Commencement Information**

**I96** Sch. 4 para. 8 wholly in force at 8.5.2000; Sch. 4 para. 8 in force at Royal Assent for certain purposes see s.425(2); Sch. 4 para. 8 in force (8.5.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2

*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.

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### *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.

### *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 [<sup>F203</sup>had occurred] 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.

#### **Textual Amendments**

**F203** Words in [Sch. 4 para. 12\(1\)](#) substituted (27.5.2000) by [S.I. 2000/1435, art. 2, Sch. 1 para. 10](#)

## **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.



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*Deputy Mayor to be treated as Mayor during the period*

PROSPECTIVE

- 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—
- (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—

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- (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.
- (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.

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### *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.

### *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

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- (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.

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- (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

#### Modifications etc. (not altering text)

**C68** Sch. 6 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1999 c. 27, s. 30, Sch. 1 Pt. 1 para. 1)

#### *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
  - (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.

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*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.

*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.

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- (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;
  - (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.

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- (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.
  - (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.

**Commencement Information**

- 197** Sch. 6 para. 10 wholly in force at 3.7.2000; by virtue of s. 425(2) it is provided that the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; Sch. 6 para. 10 in force at 3.7.2000 by [S.I. 1999/3434](#), [art. 4](#)



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### *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.

#### *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 <sup>M464</sup>Local Government Finance Act 1992.

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- (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.

**Marginal Citations**

M464 1992 c. 14.

*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,
 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

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- (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 <sup>M465</sup>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.

**Marginal Citations**

M465 1992 c. 14.

*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.
- (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.

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*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.

PROSPECTIVE

F204 SCHEDULE 8

Section 133.

AMENDMENTS OF THE AUDIT COMMISSION ACT 1998

**Textual Amendments**

**F204** Sch. 8 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 1 Pt. 2**; [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

F204 Preliminary

F204<sub>1</sub> .....

F204 Transmission and consideration of section 8 reports

F204<sub>2</sub> .....

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	<i>F204</i>	<i>Consideration of reports or recommendations</i>
F204	3	.....
F204	4	.....
	<i>F204</i>	<i>Publicity for meetings</i>
F204	5	.....
	<i>F204</i>	<i>Declaration that item of account is unlawful</i>
F204	6	.....
	<i>F204</i>	<i>Recovery of amount not accounted for et ceteralaetc.</i>
F204	7	.....
	<i>F204</i>	<i>Documents relating to police authorities Et ceteralaetc</i>
F204	8	.....
	<i>F204</i>	<i>Studies of Authority by Commission at request of Mayor</i>
F204	9	.....
	<i>F204</i>	<i>Studies of functional bodies by Commission at request of Mayor</i>
F204	10	.....
	<i>F204</i>	<i>Restriction on disclosure of information: exceptions</i>
F204	11	.....
	<i>F204</i>	<i>Interpretation and exercise of Authority functions by Mayor et ceteralaetc.</i>
F204	12	.....

## SCHEDULE 9

Section 136.

### AMENDMENTS TO LOCAL GOVERNMENT FINANCE ACT 1992

#### *Introduction*

- 1 Chapter IVA of Part I of the <sup>M466</sup>Local Government Finance Act 1992 (which relates to limitation of council tax and precepts and which was inserted by Schedule 1 to the <sup>M467</sup>Local Government Act 1999) shall be amended as follows.

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### Marginal Citations

M466 1992 c. 14.

M467 1999 c. 27.

#### *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
  - (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.

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- (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.
  - (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.

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### *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—
- (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.



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#### *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 <sup>M468</sup>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.
- (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.

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#### Marginal Citations

M468 1985 c. 6.

#### *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 <sup>M469</sup>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 <sup>M470</sup>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 <sup>M471</sup>Local Government Act 1972 if that person—
- (a) is appointed to the committee by Transport for London, and

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(b) is not a member of Transport for London.

#### Marginal Citations

M469 1972 c. 70.

M470 1989 c. 42.

M471 1972 c. 70.

#### 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

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- 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 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 <sup>M472</sup>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

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- (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)”.
- (12) Section 19 of the <sup>M473</sup>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 <sup>M474</sup>Local Government Act 1972 were a reference to this paragraph.

#### Marginal Citations

M472 1972 c. 70.

M473 1989 c. 42.

M474 1972 c. 70.

## 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 <sup>M475</sup>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 <sup>M476</sup>Transport (London) Act 1969).
- (3) Transport for London may also carry luggage and other goods.

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#### Marginal Citations

M475 1984 c. 32.

M476 1969 c. 35.

- 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.
- 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—

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“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.
- (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—

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- (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
  - (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—



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- (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—
- (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.

#### PROSPECTIVE

- 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).

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- (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 <sup>M477</sup>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.
- (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 <sup>M478</sup>Acquisition of Land Act 1981.

#### Marginal Citations

<sup>M477</sup> 1981 c. 67.

<sup>M478</sup> 1981 c. 67.

- 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—

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- (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—
- (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.

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### *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
  - (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 <sup>M479</sup>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.

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**Modifications etc. (not altering text)**

C69 Sch. 11 para. 26 extended (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), arts. 1(1), 3

**Marginal Citations**

M479 1962 c. 46.

*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 <sup>M480</sup>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 <sup>M481</sup>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.

**Marginal Citations**

M480 1968 c. xxxii.

M481 1968 c. xxxii.

*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.

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### *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 <sup>M482</sup>Railways Clauses Consolidation Act 1845;
  - section 69 of the <sup>M483</sup>Railways Clauses Consolidation (Scotland) Act 1845;
  - sections 2 and 7 of the <sup>M484</sup>Railway and Canal Traffic Act 1854;
  - sections 16 and 39 of the <sup>M485</sup>Railways Act 1921;
  - section 30 of the <sup>M486</sup>London Passenger Transport Act 1933;
  - section 39 of the <sup>M487</sup>Road and Rail Traffic Act 1933; and
  - section 22 of the <sup>M488</sup>Transport Act 1953;
- all of which made provision with respect to transport charges and facilities and were repealed by the <sup>M489</sup>Transport Act 1962.

#### **Marginal Citations**

<sup>M482</sup> 1845 c. 20.

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- M483 1845 c. 33.
- M484 1854 c. 31.
- M485 1921 c. 55.
- M486 1933 c. 14.
- M487 1933 c. 53.
- M488 1953 c. 13.
- M489 1962 c. 46.

#### *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.

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- (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.
- (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.

**Modifications etc. (not altering text)**

**C70** Sch. 12 para. 2(3) excluded (10.7.2003) by [Railways and Transport Safety Act 2003 \(c. 20\), s. 114\(4\)](#)

*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.



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*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;
  - (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 <sup>M490</sup>Transport and Works Act 1992.

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#### Commencement Information

**I98** Sch. 12 para. 7 wholly in force at 3.7.2000: Sch. 12 para. 7 in force at Royal Assent for certain purposes see s. 425(2); Sch. 12 para. 7 in force at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(C), Sch. Pt. 3

#### Marginal Citations

**M490** 1992 c. 42.

#### *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.

#### *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.

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- (3) For the purposes of Part XI of the <sup>M491</sup>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.

#### Marginal Citations

M491 1996 c. 18.

#### *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.
  - (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.

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- (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.
- (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.

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## 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.

#### *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

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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.

(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.

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## SCHEDULE 14

Section 220.

### PPP ADMINISTRATION ORDERS

#### Modifications etc. (not altering text)

**C71** Sch. 14 modified (10.7.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. 114(5)(d)

### 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.

#### Commencement Information

**I99** Sch. 14 para. 1 in force at 15.7.2003 by [S.I. 2003/1920](#), art. 2(b)

##### *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.

#### Commencement Information

**I100** Sch. 14 para. 2 in force at 15.7.2003 by [S.I. 2003/1920](#), art. 2(b)

##### *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—

“(3) An application for an order under subsection (2) may be made—  
(a) by the Mayor of London;

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- (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.”

**Commencement Information**

**I101** Sch. 14 para. 3 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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.

**Commencement Information**

**I102** Sch. 14 para. 4 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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”.

**Commencement Information**

**I103** Sch. 14 para. 5 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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.



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(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.

#### Commencement Information

**I104** Sch. 14 para. 6 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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 <sup>M492</sup>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”.

#### Commencement Information

**I105** Sch. 14 para. 7 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### Marginal Citations

**M492** 1985 c. 6.

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### *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 <sup>M493</sup>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”.

#### **Commencement Information**

**I106** Sch. 14 para. 8 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### **Marginal Citations**

**M493** 1985 c. 6.

### *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
  - (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 <sup>M494</sup>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—

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- (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 <sup>M495</sup>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.”

#### Commencement Information

I107 Sch. 14 para. 9 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### Marginal Citations

M494 1985 c. 6.

M495 1985 c. 6.

#### *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—
- (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—

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“(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 <sup>M496</sup>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.”

#### Commencement Information

**I108** Sch. 14 para. 10 in force at 15.7.2003 by [S.I. 2003/1920](#), [art. 2\(b\)](#)

#### Marginal Citations

**M496** 1985 c. 6.

#### *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.

#### Commencement Information

**I109** Sch. 14 para. 11 in force at 15.7.2003 by [S.I. 2003/1920](#), [art. 2\(b\)](#)

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## 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 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.

#### **Commencement Information**

**I110** Sch. 14 para. 12 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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,

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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."

#### Commencement Information

**I111** Sch. 14 para. 13 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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
  - (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.

#### Commencement Information

**I112** Sch. 14 para. 14 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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

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- (ii) the property of that company so far as that property is for the time being situated within Great Britain.

**Commencement Information**

**I113** Sch. 14 para. 15 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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.

**Commencement Information**

**I114** Sch. 14 para. 16 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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.

**Commencement Information**

**I115** Sch. 14 para. 17 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

*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.

**Commencement Information**

**I116** Sch. 14 para. 18 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

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### *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.

#### **Commencement Information**

**I117** Sch. 14 para. 19 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

## **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.

#### **Commencement Information**

**I118** Sch. 14 para. 20 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)



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### Interpretation

- 21 (1) In this Schedule “the 1986 Act” means the <sup>M497</sup>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.

#### Commencement Information

**I119** Sch. 14 para. 21 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### Marginal Citations

**M497** 1986 c.45.

## SCHEDULE 15

Section 220.

### TRANSFER OF RELEVANT ACTIVITIES IN CONNECTION WITH PPP ADMINISTRATION ORDERS

#### Modifications etc. (not altering text)

**C72** Sch. 15 modified (10.7.2003) by Railways and Transport Safety Act 2003 (c. 20), s. 114(5)(d)

### 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.

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### Commencement Information

**I120** Sch. 15 para. 1 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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.

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### Commencement Information

**1121** Sch. 15 para. 2 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

### *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 <sup>M498</sup>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

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or otherwise) in relation to the terms on which the existing appointee is entitled or subject to the property, right or liability in question.

**Commencement Information**

**I122** Sch. 15 para. 3 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

**Marginal Citations**

**M498** 1925 c. 20.

*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 <sup>M499</sup>Railways Act 1993.

**Commencement Information**

**I123** Sch. 15 para. 4 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

**Marginal Citations**

**M499** 1993 c. 43.

*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;

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- (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.

#### Commencement Information

I124 Sch. 15 para. 5 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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

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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.

#### **Commencement Information**

**1125** Sch. 15 para. 6 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

#### *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.

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- (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.

**Commencement Information**

I126 Sch. 15 para. 7 in force at 15.7.2003 by S.I. 2003/1920, art. 2(b)

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 [F205 . . .] 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 M500 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.

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- (6) Before publishing a notice under sub-paragraph (4) above Transport for London shall consult each London authority and the London Transport Users' Committee.

#### Textual Amendments

**F205** Words in Sch. 16 para. 2(1) repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. II**; S.I. 2000/3229, art. 2(3), **Sch. Pt. III** (with transitional provisions in arts. 3, 4)

#### Modifications etc. (not altering text)

**C73** Sch. 16 para. 2(6) extended (*temp.* during the transitional period) (3.7.2000) by S.I. 2000/1504, **arts. 2, 8(1)(2)**

#### Marginal Citations

**M500** 1971 c. 80.

#### 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.

#### Modifications etc. (not altering text)

**C74** Sch. 16 para. 3 extended (*temp.* during the transitional period) (3.7.2000) by S.I. 2000/1504, **arts. 2, 8(1)(3)**

#### 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;



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- (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 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.

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#### Modifications etc. (not altering text)

**C75** Sch. 16 para. 5(4)(b) extended (*temp.* during the transitional period) (3.7.2000) by **S.I. 2000/1504**, **arts. 2, 8(1)(4)**

#### *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;
  - (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*

F2067

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#### Textual Amendments

**F206** Sch. 16 para. 7 repealed (1.4.2001) by **2000 c. 38**, s. 274, **Sch. 31 Pt. II**; S.I. 2000/3229, art. 2, **Sch. Pt. III** (with transitional savings in **arts. 3, 4**)

#### *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

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- (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

#### Modifications etc. (not altering text)

**C76** Sch. 17 applied (with modifications) (15.7.2003) by [The Croydon Tramlink \(Penalty Fares\) Order 2003 \(S.I. 2003/1614\)](#), arts. 1, 2, [Sch. 1](#)

#### *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);

“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.

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- (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 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.

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- (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 <sup>M501</sup>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 <sup>M502</sup>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.

#### Marginal Citations

**M501** 1992 c. xvi.

**M502** 1984 c. 32.

#### *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 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

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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—
  - (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

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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.

*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.

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- (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
  - (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 <sup>M503</sup>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 <sup>M504</sup>Transport Act 1962 or paragraph 26 of Schedule 11 to this Act (byelaws for railways,



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- 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 <sup>M505</sup>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.

#### Marginal Citations

M503 1889 c. 57.

M504 1962 c. 46.

M505 1981 c. 14.

#### *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
- (b) if an order is made as a result of the application, the making of the order,

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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 <sup>M506</sup>Transport and Works Act 1992.

#### Commencement Information

**I127** Sch. 17 para. 9 wholly in force at 3.7.2000: Sch. 17 para. 9 in force at Royal Assent for certain purposes see s.425(2); Sch. 17 para. 9 in force (3.7.2000) in so far as not already in force by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

#### Marginal Citations

**M506** 1992 c. 42.

### 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.

#### Commencement Information

**I128** Sch. 17 para. 10 in force at 15.7.2003 in so far as not already in force by S.I. 2003/1920, art. 2(g)

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*Repeal of London Regional Transport (Penalty Fares) Act 1992*

- 11 The <sup>M507</sup>London Regional Transport (Penalty Fares) Act 1992 shall cease to have effect.

**Commencement Information**

**I129** Sch. 17 para. 11 in force at 15.7.2003 by S.I. 2003/1920, art. 2(g)

**Marginal Citations**

**M507** 1992 c. xvi

SCHEDULE 18

Section 247.

LONDON TRANSPORT USERS’ COMMITTEE

*Chairman [<sup>F207</sup>and other members]*

**Textual Amendments**

**F207** Sch. 18: words in cross-heading preceding para. 1 inserted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(2); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

- 1 If the Assembly so determines, there shall be paid to the chairman [<sup>F208</sup>and other members] of the Committee such remuneration as the Assembly may determine.

**Textual Amendments**

**F208** Words in Sch. 18 para. 1 inserted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(2); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

- 2 If the Assembly so determines in the case of a person who has been remunerated under paragraph 1 [<sup>F209</sup>above as chairman] 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.

**Textual Amendments**

**F209** Words in Sch. 18 para. 2 substituted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(3); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

- 3 If a person in receipt of remuneration under paragraph 1 above as chairman [<sup>F210</sup>or another member] 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.

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### **Textual Amendments**

**F210** Words in **Sch. 18 para. 3** inserted (1.2.2001) by **2000 c. 38, s. 252, Sch. 27 para. 62(1)(4)**; **S.I. 2001/57, art. 3(1), Sch. 2 Pt. I** (subject to transitional provisions and savings in **Sch. 2 Pt. II**)

- 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.

### *Accounts*

- 8           (1) The Committee shall keep accounting records which—
- (a) set out and explain the Committee's financial transactions,

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- (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 <sup>M508</sup>Companies Act 1989 (eligibility for appointment as company auditor), and
  - (b) if the Committee were a company to which section 384 of the <sup>M509</sup>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 <sup>M510</sup>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.

#### Marginal Citations

**M508** 1989 c. 40.  
**M509** 1985 c. 6.  
**M510** 1989 c. 40.

#### Accommodation

- 9 The Assembly may after consultation with the [<sup>F211</sup>Strategic Rail Authority] make arrangements for the Committee to be provided with office accommodation.

#### Textual Amendments

**F211** Words in Sch. 18 para. 9 substituted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(5); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

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### *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.
- (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 [<sup>F212</sup>Strategic Rail Authority] and the [<sup>F213</sup>Rail Passengers' Council].
- (4) Subject to the provisions of this Schedule the Committee shall determine their own procedure (including the quorum at meetings of the Committee).

#### **Textual Amendments**

**F212** Words in Sch. 18 para. 11(3) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 62(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

**F213** Words in Sch. 18 para. 11(3) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 24**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

- 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 [<sup>F214</sup>Office of Rail Regulation] or the [<sup>F215</sup>Strategic Rail Authority] would be disclosed in breach of the obligation of confidence;

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- (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.

#### Textual Amendments

- F214** Words in Sch. 18 para. 15 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), Sch. 2 para. 19\(q\)](#); [S.I. 2004/827, art. 4\(g\)](#)
- F215** Words in Sch. 18 para. 15(2)(a) substituted (1.2.2001) by [2000 c. 38, s. 252, Sch. 27 para. 62\(6\)](#); [S.I. 2001/57, art. 3\(1\), Sch. 2 Pt. I](#) (subject to transitional provisions and savings in [Sch. 2 Pt. II](#))

#### *Investigation of complaints*

- 16 (1) Section 25 of the <sup>M511</sup>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.”

#### Marginal Citations

- M511** [1974 c. 7.](#)

#### *Interpretation*

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**Textual Amendments**

**F216** Sch. 18 para. 17 repealed (1.2.2001) by 2000 c. 38, ss. 252, 274, Sch. 27 para. 62(7), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

SCHEDULE 19

Section 252.

AMENDMENT OF ENACTMENTS RELATING TO THE  
LONDON REGIONAL PASSENGERS’ COMMITTEE

*The Transport Act 1962*

F217<sub>1</sub> .....

**Textual Amendments**

**F217** Sch. 19 para. 1 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

*The Chronically Sick and Disabled Persons Act 1970*

2 In section 14 of the <sup>M512</sup>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 ”.

**Marginal Citations**

**M512** 1970 c. 44.

*The House of Commons Disqualification Act 1975*

F218<sub>3</sub> .....

**Textual Amendments**

**F218** Sch. 19 para. 3 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

*The Transport Act 1985*

F219<sub>4</sub> .....



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**Textual Amendments**

**F219** Sch. 19 para. 4 repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

*The Railways Act 1993*

- 5 (1) The <sup>M513</sup>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 ”.

<sup>F220</sup>(5) .....

<sup>F220</sup>(6) .....

**Textual Amendments**

**F220** Sch. 19 para. 5(5)(6) repealed (1.2.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

**Marginal Citations**

**M513** 1993 c. 43.

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## 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 <sup>M514</sup>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 <sup>M515</sup>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 ”.

**Marginal Citations**

**M514** 1850 c. 7.

**M515** 1843 c. 86.

*The London Hackney Carriages Act 1850*

- 2 (1) The <sup>M516</sup>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)—
- for “the said Commissioners of Police” and, where first and second occurring, “the said commissioners” there shall be substituted “ Transport for London ”;
  - for “signed by one of the said commissioners” there shall be substituted “ signed by a person authorised for the purpose by Transport for London ”;
  - for “the office of the Commissioners of Police in the City of Westminster” there shall be substituted “ the offices of Transport for London ”;
  - for “the signature of the said commissioner” there shall be substituted “ the aforesaid signature ”.

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**Marginal Citations**

M516 1850 c. 7.

*The London Hackney Carriage Act 1853*

- 3 (1) The <sup>M517</sup>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 ”.
- (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 ”.

**Marginal Citations**

M517 1853 c. 33.

*The London Hackney Carriage (No. 2) Act 1853*

<sup>F221</sup>4 .....

**Textual Amendments**

**F221** Sch. 20 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

*The Metropolitan Public Carriage Act 1869*

- 5 (1) The <sup>M518</sup>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—

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## **“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—
  - (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.”

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- (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—
  - (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—

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- (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 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 ”.

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**Marginal Citations**

M518 1869 c. 115.

*The London Cab and Stage Carriage Act 1907*

- 6 (1) The <sup>M519</sup>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)—
- (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.”

**Marginal Citations**

M519 1907 c. 55.

*The London Cab Act 1968*

- 7 (1) The <sup>M520</sup>London Cab Act 1968 shall be amended as follows.

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- (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”.
- (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”;



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- (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.”

**Marginal Citations**  
**M520 1968 c. 7.**

*The Transport Act 1985*

- 8 (1) The <sup>M521</sup>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)—
- (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.”

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### Marginal Citations

M521 1985 c. 67.

## 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 <sup>M522</sup>Interpretation Act 1978.

### Marginal Citations

M522 1978 c. 30.

#### *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 <sup>M523</sup>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.

### Marginal Citations

M523 1843 c. 86.

#### *The London Hackney Carriages Act 1850*

- 11 Any regulations made or other thing done under section 4 of the <sup>M524</sup>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 as if made or done by or, in the case of a signature, by a person authorised for the purpose by, Transport for London.

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**Marginal Citations**

M524 1850 c. 7.

*The London Hackney Carriage Act 1853*

- 12 Any notice given under section 2 of the <sup>M525</sup>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.

**Marginal Citations**

M525 1853 c. 33.

*The London Hackney Carriage (No. 2) Act 1853*

- <sup>F222</sup>13 .....

**Textual Amendments**

**F222** Sch. 20 para. 13 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

*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 <sup>M526</sup>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

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5 above shall have effect as from the coming into force of that sub-paragraph as an appointment made by Transport for London.

**Marginal Citations**

M526 1869 c. 115.

*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 <sup>M527</sup>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.
- (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.

**Marginal Citations**

M527 1907 c. 55.

*The London Cab Act 1968*

- 16 (1) Any order made by the Secretary of State under section 2 of the <sup>M528</sup>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.

**Marginal Citations**

M528 1968 c. 7.

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### 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 <sup>M529</sup>Private Hire Vehicles (London) Act 1998 shall be amended as follows.

#### Marginal Citations

M529 1998 c. 34.

- 2 Except in sections 37, 38 and 40, for “Secretary of State”, wherever occurring, there shall be substituted “licensing authority”.
- 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”.

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- 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 ”.
- (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.

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- (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*

PROSPECTIVE

- 1 (1) Section 125 of the <sup>M530</sup>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 ”.

#### Marginal Citations

M530 1980 c. 66.

#### *Town and Country Planning Act 1990*

- 2 The <sup>M531</sup>Town and Country Planning Act 1990 shall be amended as follows.

#### Marginal Citations

M531 1990 c. 8.

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*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.”
- (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



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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
      - (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 ”,

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- (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)—
- (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 ”, and
  - (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 ”.

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(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—
  - (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

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(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)—

(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—

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“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 <sup>M532</sup>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 <sup>M533</sup>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 [<sup>F223</sup>and a financial year, means the amount (if any) by which—

- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
- (b) the expenses incurred for or in connection with the scheme which are so attributable;]

“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;

[<sup>F224</sup>“registered keeper”, in relation to a charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the <sup>M534</sup>Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed;]

“regulations” means [<sup>F225</sup>(except where otherwise provided)]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 <sup>M535</sup>Road Traffic Regulation Act 1984 (see section 142(1) of that Act);

“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 <sup>M536</sup>Road Traffic Regulation Act 1984 (see sections 121A and 142(1) of that Act);

“traffic sign” has the [<sup>F226</sup>meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act];

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“trunk road” has the same meaning as in the <sup>M537</sup>Road Traffic Regulation Act 1984 (see section 142(1) of that Act).

- [<sup>F227</sup>(2) For the purposes of this Schedule—
- (a) the amounts received under or in connection with a charging scheme, and
  - (b) the expenses incurred for or in connection with such a scheme,
- and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.]
- (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.

#### Textual Amendments

- F223** Sch. 23 para. 1(1): words and para. 1(1)(a)(b) in definition of “net proceeds” substituted for words (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 2(1)(2)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F224** Sch. 23 para. 1(1): definition of “registered keeper” inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 2(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F225** Sch. 23 para. 1(1): words in definition of “regulations” inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 2(1)(4)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F226** Sch. 23 para. 1(1): words in definition of “traffic sign” substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 2(1)(5)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F227** Sch. 23 para. 1(2) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 2(1)(6)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

- I130** Sch. 23 para. 1 wholly in force at 3.7.2000; Sch. 23 para. 1 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 1 in force at 8.5.2000 for further certain purposes and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(1)(2)(b)(c), Sch. Pts. 2, 3

#### Marginal Citations

- M532** 1980 c. 66.  
**M533** 1984 c. 27.  
**M534** 1994 c. 22.  
**M535** 1984 c. 27.  
**M536** 1984 c. 27.

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M537 1984 c. 27.

*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.

**Commencement Information**

**I131** Sch. 23 para. 2 wholly in force at 3.7.2000; Sch. 23 para. 2 not in force at Royal Assent see s. 425(2); Sch. 23 para. 2 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

*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.

**Commencement Information**

**I132** Sch. 23 para. 3 wholly in force at 3.7.2000; Sch. 23 para. 3 not in force at Royal Assent see s. 425(2); Sch. 23 para. 3 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

*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.
- (3) The Authority may—  
(a) consult, or require an authority making a charging scheme to consult, other persons;  
[<sup>F228</sup>(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;]  
(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;  
[<sup>F229</sup>(da) require the authority by whom any such order is made to publish notice of the order and of its effect;]  
[<sup>F230</sup>(e) require any such order to include such exemptions for such purposes as the Authority may determine;]

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- (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.

[<sup>F231</sup>(4) Subsections (2) and (3) of section 250 of the <sup>M538</sup>Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.

- (5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a charging scheme—
- (a) the costs of the inquiry shall be paid by the charging authority; and
  - (b) the parties at the inquiry shall bear their own costs.
- (6) The charging authority may enter any land, and exercise any other powers which may be necessary, for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with the charging scheme.]

#### Textual Amendments

- F228** Sch. 23 para. 4(3)(aa) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 3(1)(2)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)
- F229** Sch. 23 para. 4(3)(da) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 3(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)
- F230** Sch. 23 para. 4(3)(e) repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), **Sch. 13 para. 3(1)(4)**, **Sch. 31 Pt. III** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)
- F231** Sch. 23 para. 4(4)-(6) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 3(1)(5)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

- I133** Sch. 23 para. 4 wholly in force at 3.7.2000; Sch. 23 para. 4 not in force at Royal Assent see s. 425(2); Sch. 23 para. 4 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

#### Marginal Citations

- M538** 1972 c. 70.

### *Scheme to conform with Mayor's transport strategy*

PROSPECTIVE

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

#### Commencement Information

- I134** Sch. 23 para. 5 wholly in force at 3.7.2000; Sch. 23 para. 5 not in force at Royal Assent see s. 425(2); Sch. 23 para. 5 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**



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### *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.

#### **Commencement Information**

**I135** Sch. 23 para. 6 wholly in force at 3.7.2000; Sch. 23 para. 6 not in force at Royal Assent see s. 425(2); Sch. 23 para. 6 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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.

#### **Commencement Information**

**I136** Sch. 23 para. 7 wholly in force at 3.7.2000; Sch. 23 para. 7 not in force at Royal Assent see s. 425(2); Sch. 23 para. 7 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *The contents of a charging scheme*

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

#### **Commencement Information**

**I137** Sch. 23 para. 8 wholly in force at 3.7.2000; Sch. 23 para. 8 not in force at Royal Assent see s. 425(2); Sch. 23 para. 8 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *The charging area and the roads*

- 9 (1) The designation of—
- the boundaries of the charging area, and
  - 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.

#### **Commencement Information**

**I138** Sch. 23 para. 9 wholly in force at 3.7.2000; Sch. 23 para. 9 not in force at Royal Assent see s. 425(2); Sch. 23 para. 9 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

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### Commencement Information

**I139** Sch. 23 para. 10 wholly in force at 3.7.2000; Sch. 23 para. 10 not in force at Royal Assent see s. 425(2); Sch. 23 para. 10 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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
  - (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 [<sup>F232</sup>and to paragraphs 4 and 6 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.

### Textual Amendments

**F232** Words in Sch. 23 para. 11(2) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 4 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

### Commencement Information

**I140** Sch. 23 para. 11 wholly in force at 3.7.2000; Sch. 23 para. 11 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 11 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *[<sup>F233</sup> Documents and equipment]*

### Textual Amendments

**F233** Cross-heading preceding s. 11A inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 5 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- [<sup>F234</sup>11A A charging scheme may require—
- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed; or
  - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.]

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#### Textual Amendments

**F234** Sch. 23 para. 11A inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 5** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Penalty charges

- 12 (1) Regulations may make provision for or in connection with the imposition [<sup>F235</sup>and payment] 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).
- [<sup>F236</sup>(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.]

#### Textual Amendments

**F235** Words in Sch. 23 para. 12(1) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 6(2)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

**F236** Sch. 23 para. 12(3) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 6(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I141** Sch. 23 para. 12 wholly in force at 3.7.2000; Sch. 23 para. 12 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 12 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### Liability for charges

- [<sup>F237</sup>13 Charges imposed in respect of any motor vehicle by a charging scheme (including penalty charges imposed in respect of any motor vehicle) shall be paid—
- (a) by the registered keeper of the motor vehicle; or
- (b) in prescribed circumstances, by such person as is prescribed.]

#### Textual Amendments

**F237** Sch. 23 para. 13 substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 7** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I142** Sch. 23 para. 13 wholly in force at 3.7.2000; Sch. 23 para. 13 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 13 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

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### *Installation of equipment on roads or elsewhere*

- 14 A charging authority may-
- <sup>F238</sup>(a) install and maintain, or authorise the installation and maintenance of, any equipment; or
  - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,
- used or] to be used in connection with the operation or enforcement of charging scheme.

#### **Textual Amendments**

**F238** Words in Sch. 23 para. 14 and para. 14(a)(b) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) for words by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 8** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### **Commencement Information**

**I143** Sch. 23 para. 14 wholly in force at 3.7.2000; Sch. 23 para. 14 not in force at Royal Assent see s. 425(2); Sch. 23 para. 14 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *Accounts and funds*

- 15 (1) A charging authority shall keep an account [<sup>F239</sup>relating to] 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,
- shall keep an account [<sup>F239</sup>relating to] the sums received by the body which represent net proceeds of charging schemes for which the body is not the charging authority.
- (3) [<sup>F240</sup>Each] of the bodies required to keep an account under sub-paragraph (1) or (2) above shall prepare a statement of that account for [<sup>F240</sup>each financial 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.
- <sup>F241</sup>(4A) Regulations may make further provision relating to—
- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one charging scheme); and
  - (b) the preparation and publication of statements of such accounts.]
- (5) At the end of each financial year—

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- (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 [<sup>F242</sup>(after the application of any of the net proceeds in accordance with the following provisions)] 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.

#### Textual Amendments

- F239** Words in Sch. 23 para. 15(1)(2) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 9(1)(2)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F240** Words in Sch. 23 para. 15(3) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 9(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F241** Sch. 23 para. 15(4A) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 9(1)(4)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F242** Words in Sch. 23 para. 15(5)(b) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 9(1)(5)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

- I144** Sch. 23 para. 15 wholly in force at 3.7.2000; Sch. 23 para. 15 not in force at Royal Assent see s. 425(2); Sch. 23 para. 15 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

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- (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 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.

**Modifications etc. (not altering text)**

**C77** Sch. 23 para. 16: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

**Commencement Information**

**I145** Sch. 23 para. 16 wholly in force at 3.7.2000; Sch. 23 para. 16 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 16 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

*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.

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- (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.

#### Modifications etc. (not altering text)

**C78** Sch. 23 para. 17: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I146** Sch. 23 para. 17 wholly in force at 3.7.2000; Sch. 23 para. 17 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 17 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

#### *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
  - (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.

#### Modifications etc. (not altering text)

**C79** Sch. 23 para. 18: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)



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#### Commencement Information

**I147** Sch. 23 para. 18 wholly in force at 3.7.2000; Sch. 23 para. 18 not in force at Royal Assent see s. 425(2); Sch. 23 para. 18 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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) 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.

#### Modifications etc. (not altering text)

**C80** Sch. 23 para. 19: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I148** Sch. 23 para. 19 wholly in force at 3.7.2000; Sch. 23 para. 19 not in force at Royal Assent see s. 425(2); Sch. 23 para. 19 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

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- (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 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.

#### **Modifications etc. (not altering text)**

**C81** Sch. 23 para. 20: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

#### **Commencement Information**

**I149** Sch. 23 para. 20 wholly in force at 3.7.2000; Sch. 23 para. 20 not in force at Royal Assent see s. 425(2); Sch. 23 para. 20 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

#### *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.

#### **Modifications etc. (not altering text)**

**C82** Sch. 23 para. 21: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

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#### Commencement Information

**I150** Sch. 23 para. 21 wholly in force at 3.7.2000; Sch. 23 para. 21 not in force at Royal Assent see s. 425(2); Sch. 23 para. 21 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Modifications etc. (not altering text)

**C83** Sch. 23 para. 22: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I151** Sch. 23 para. 22 wholly in force at 3.7.2000; Sch. 23 para. 22 not in force at Royal Assent see s. 425(2); Sch. 23 para. 22 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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 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—

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- (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.

#### **Modifications etc. (not altering text)**

**C84** Sch. 23 para. 23: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### **Commencement Information**

**I152** Sch. 23 para. 23 wholly in force at 3.7.2000; Sch. 23 para. 23 not in force at Royal Assent see s. 425(2); Sch. 23 para. 23 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

**Modifications etc. (not altering text)**

**C85** Sch. 23 para. 24: power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

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### Commencement Information

**I153** Sch. 23 para. 24 wholly in force at 3.7.2000; Sch. 23 para. 24 not in force at Royal Assent see s. 425(2); Sch. 23 para. 24 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### 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, <sup>F243</sup>or]
  - (b) causes or permits the registration plate of a motor vehicle to be obscured, <sup>F244</sup>or
  - <sup>F244</sup>(c) makes or uses any false document,]
- is guilty of an offence.
- <sup>F245</sup>(1A) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme or a penalty charge is guilty of an offence.]
- (2) A person guilty of an offence under sub-paragraph (1) <sup>F246</sup>or (1A)] 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.
- <sup>F247</sup>(3) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with regulations under paragraph 12 above unless—
- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
  - (b) he does so under the authority of the registered keeper or such a person or of the charging authority.
- <sup>F247</sup>(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.]

### Textual Amendments

- F243** Word in Sch. 23 para. 25(1)(a) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 10(1)(2)(a)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F244** Sch. 23 para. 25(1)(c) and word “or” immediately preceding it repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), **Sch. 13 para. 10(1)(2)(b)**, **Sch. 31 Pt. III** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F245** Sch. 23 para. 25(1A) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 10(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F246** Words in Sch. 23 para. 25(2) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 10(1)(4)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F247** Sch. 23 para. 25(3)(4) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 10(1)(5)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

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### Commencement Information

**I154** Sch. 23 para. 25 wholly in force at 3.7.2000; Sch. 23 para. 25 not in force at Royal Assent see s. 425(2); Sch. 23 para. 25 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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 [<sup>F248</sup>with intent to avoid payment of, or being identified as having failed to pay, a charge],or whether any conditions relating to the use of any such equipment are satisfied.
- [<sup>F249</sup>(2) Regulations may make provision conferring power on any person authorised in writing by the charging authority to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle which is on a road, that—
- (a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme; or
  - (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.]
- [<sup>F250</sup>(3) A person who intentionally obstructs a person exercising any power conferred on him by virtue of sub-paragraph (2) above is guilty of an offence.
- <sup>F250</sup>(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,
- or to both.
- <sup>F250</sup>(5) Regulations may make provision conferring power on any person authorised in writing by the charging authority to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under paragraph 25 above.]

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### Textual Amendments

- F248** Words in Sch. 23 para. 26(1)(b)(iii) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 11(1)(2)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F249** Sch. 23 para. 26(2) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 11(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F250** Sch. 23 para. 26(3)(4)(5) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 11(1)(4)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

### Commencement Information

- I155** Sch. 23 para. 26 wholly in force at 3.7.2000; Sch. 23 para. 26 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 26 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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;
  - [<sup>F251</sup>(aa) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;]
  - (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 [<sup>F252</sup>, and.
  - (e) the sale or destruction of motor vehicles not released.
- (2) A person who removes or interferes with an immobilisation notice in contravention of provision made by virtue of sub-paragraph (1) above is guilty of an offence.
  - (3) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by virtue of sub-paragraph (1) above in contravention of such provision is guilty of an offence.
  - (4) A person who intentionally obstructs a person exercising any power conferred on him by provision made by virtue of sub-paragraph (1) above is guilty of an offence.
  - (5) A person guilty of an offence under sub-paragraph (2) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
  - (6) A person guilty of an offence under sub-paragraph (3) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

### Textual Amendments

- F251** Sch. 23 para. 27(aa) inserted (E.W.) (1.2.2001 (E.) otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 12(1)(2)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)
- F252** Sch. 23 para. 27(1)(e)(2)-(6) and the words “; and” immediately preceding sub-para. (1)(e) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 12(1)(3)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)



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#### Commencement Information

**I156** Sch. 23 para. 27 wholly in force at 3.7.2000; Sch. 23 para. 27 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 27 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

#### *Determination of disputes and appeals*

- 28 <sup>[F253]</sup>The Lord Chancellor may by regulations] 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.

#### Textual Amendments

**F253** Words in Sch. 23 para. 28 substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38](#), [ss. 199, 275\(1\)](#), [Sch. 13 para. 13](#) (with s. 196); [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

#### Commencement Information

**I157** Sch. 23 para. 28 wholly in force at 3.7.2000; Sch. 23 para. 28 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 28 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801](#), [art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

#### *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.
- (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 <sup>[F254]</sup>under section 176(2) of the Transport Act 2000.].

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#### Textual Amendments

**F254** Words in Sch. 23 para. 29(6) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 14** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I158** Sch. 23 para. 29 wholly in force at 3.7.2000; Sch. 23 para. 29 not in force at Royal Assent see s. 425(2); Sch. 23 para. 29 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

### Evidence

- 30 [F255 The Lord Chancellor may by regulations] 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.

#### Textual Amendments

**F255** Words in Sch. 23 para. 30 substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 15** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I159** Sch. 23 para. 30 wholly in force at 3.7.2000; Sch. 23 para. 30 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 30 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

### 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.

#### Commencement Information

**I160** Sch. 23 para. 31 wholly in force at 3.7.2000; Sch. 23 para. 31 not in force at Royal Assent see s. 425(2); Sch. 23 para. 31 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

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

#### **Commencement Information**

**I161** Sch. 23 para. 32 wholly in force at 3.7.2000; Sch. 23 para. 32 not in force at Royal Assent see s. 425(2); Sch. 23 para. 32 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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.

#### **Commencement Information**

**I162** Sch. 23 para. 33 wholly in force at 3.7.2000; Sch. 23 para. 33 not in force at Royal Assent see s. 425(2); Sch. 23 para. 33 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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.
- [<sup>F256</sup>(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.]

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### Textual Amendments

**F256** Sch. 23 para. 34(3) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 16** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

### Commencement Information

**I163** Sch. 23 para. 34 wholly in force at 3.7.2000; Sch. 23 para. 34 not in force at Royal Assent see s. 425(2); Sch. 23 para. 34 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

## <sup>F257</sup> Information

### Textual Amendments

**F257** Sch. 23 para. 34A and cross-heading preceding it inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 17** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

<sup>F258</sup>34A(1) Information obtained by—

- (a) any Minister of the Crown or government department, or
- (b) any local authority or other statutory body,

may be disclosed to a charging authority for or in connection with the exercise of any of their functions with respect to a charging scheme.

(2) Information obtained by a charging authority for or in connection with any of their functions other than their functions with respect to a charging scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a charging scheme.

(3) Any information—

- (a) which has been or could be disclosed to a charging authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a charging scheme, or
- (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

may be disclosed to any person with whom the authority has entered into arrangements under paragraph 32(b) above.

(4) Information disclosed to a person under sub-paragraph (3) above—

- (a) may be disclosed to any other person for or in connection with the charging scheme; but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the charging scheme.]

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### Textual Amendments

**F258** Sch. 23 para. 34A and cross-heading preceding it inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), **Sch. 13 para. 17** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

### *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 <sup>M539</sup>Road Traffic Regulation Act 1984.

### Commencement Information

**I164** Sch. 23 para. 35 wholly in force at 3.7.2000; Sch. 23 para. 35 not in force at Royal Assent see s. 425(2); Sch. 23 para. 35 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### Marginal Citations

**M539** 1984 c. 27.

### *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 <sup>M540</sup>Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

### Commencement Information

**I165** Sch. 23 para. 36 wholly in force at 3.7.2000; Sch. 23 para. 36 not in force at Royal Assent see s. 425(2); Sch. 23 para. 36 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

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### Marginal Citations

M540 1947 c. 44.

### *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.

### Commencement Information

**I166** Sch. 23 para. 37 wholly in force at 3.7.2000; Sch. 23 para. 37 not in force at Royal Assent see s. 425(2); Sch. 23 para. 37 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *Variation and revocation of charging schemes*

- 38 The power to make a charging scheme includes power [<sup>F259</sup>, exercisable in the same manner, and subject to the same conditions and limitations,] to vary or revoke such a scheme [<sup>F260</sup>; and paragraph 4 above (apart from sub-paragraphs (3)(f) and (6)) applies in relation to the variation or revocation of a charging scheme as to the making of a charging scheme.].

### Textual Amendments

**F259** Words in Sch. 23 para. 38 repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), Sch. 13 para. 18(a), Sch. 31 Pt. III (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**F260** Words in Sch. 23 para. 38 inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 18(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

### Commencement Information

**I167** Sch. 23 para. 38 wholly in force at 3.7.2000; Sch. 23 para. 38 in force at Royal Assent for certain purposes see s. 425(2); Sch. 23 para. 38 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

## 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;

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“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 [<sup>F261</sup>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 [<sup>F262</sup>and a financial year, means the amount (if any) by which—

- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
- (b) the expenses incurred for or in connection with the scheme which are so attributable;]

[<sup>F263</sup>“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;

“regulations” means [<sup>F264</sup>(except where otherwise provided)]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.

[<sup>F265</sup>(2) For the purposes of this Schedule—

- (a) the amounts received under or in connection with a licensing scheme, and
- (b) the expenses incurred for or in connection with such a scheme,

and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.]

(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—

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- (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.

#### Textual Amendments

- F261** Sch. 24 para. 1(1): words in definition of “licence”  
repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), Sch. 13 paras. 19, 20(1)(2), Sch. 31 Pt. III (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F262** Sch. 24 para. 1(1): words in definition of “net proceeds”  
and sub. (a)(b) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) for words by 2000 c. 38, ss. 199, 275(1), Sch. 13 paras. 19, 20(1)(3) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F263** Sch. 24 para. 1(1): definition of “occupier”  
repealed (E.W.) (1.2.2001 (E.) otherwise and *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), Sch. 13 paras. 19, 20(1)(4), Sch. 31 Pt. III (with s. 196)
- F264** Sch. 24 para. 1(1): words in definition of “regulations”  
inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 paras. 19, 20(1)(5) (with s. 196)
- F265** Sch. 24 para. 1(2) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 paras. 19, 20(1)(6) (with s. 196)

#### Commencement Information

- I168** Sch. 24 para. 1 wholly in force at 3.7.2000; Sch. 24 para. 1 in force at Royal Assent for certain purposes see s. 425(2); Sch. 24 para. 1 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Commencement Information

- I169** Sch. 24 para. 2 wholly in force at 3.7.2000; Sch. 24 para. 2 in force at Royal Assent for certain purposes see s. 425(2); Sch. 24 para. 2 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *Provision of workplace parking places*

- 3 (1) For the purposes of this Schedule and section 296 of this Act, [<sup>F266</sup>a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time] occupied by a motor vehicle used—



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- (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
- [<sup>F267</sup>(d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,]

for attending a place at which the relevant person carries on business at or in the vicinity of the premises.

(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.

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#### Textual Amendments

- F266** Words in [Sch. 24 para. 3\(1\)](#) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 21\(a\)](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))
- F267** [Sch. 24 para. 3\(1\)\(d\)](#) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 21\(b\)](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

#### Commencement Information

- I170** [Sch. 23 para. 3](#) wholly in force at 3.7.2000; [Sch. 24 para. 3](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 24 para. 3](#) in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

#### *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.

#### Commencement Information

- I171** [Sch. 24 para. 4](#) wholly in force at 3.7.2000; [Sch. 24 para. 4](#) in force at Royal Assent for certain purposes see [s. 425\(2\)](#); [Sch. 24 para. 4](#) in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

#### *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.

#### Commencement Information

- I172** [Sch. 24 para. 5](#) wholly in force at 3.7.2000; [Sch. 24 para. 5](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 24 para. 5](#) in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

#### *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.

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### Commencement Information

**I173** Sch. 24 para. 6 wholly in force at 3.7.2000; Sch. 24 para. 6 not in force at Royal Assent see s. 425(2); Sch. 24 para. 6 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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;
  - [<sup>F268</sup>(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;]
  - (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;
  - [<sup>F269</sup>(da) require the authority by whom any such order is made to publish notice of the order and of its effect.]
  - [<sup>F270</sup>(e) require any such order to include such exemptions for such purposes as the Authority may determine.]
- [<sup>F271</sup>(4) Subsections (2) and (3) of section 250 of the <sup>M541</sup>Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.
- <sup>F271</sup>(5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a licensing scheme—
- (a) the costs of the inquiry shall be paid by the licensing authority; and
  - (b) the parties at the inquiry shall bear their own costs.]

### Textual Amendments

- F268** Sch. 24 para. 7(3)(aa) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 22(1)(2) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F269** Sch. 24 para. 7(3)(da) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 22(1)(3) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F270** Sch. 24 para. 7(3)(e) repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 274, 275(1), Sch. 13 para. 22(1)(4), Sch. 31 Pt. III (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F271** Sch. 24 para. 7(4)(5) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 22(1)(5) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

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#### Commencement Information

**I174** Sch. 24 para. 7 wholly in force at 3.7.2000; Sch. 24 para. 7 not in force at Royal Assent see s. 425(2); Sch. 24 para. 7 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### Marginal Citations

**M541** 1972 c. 70.

#### *Scheme to conform with Mayor's transport strategy*

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

#### Commencement Information

**I175** Sch. 24 para. 8 wholly in force at 3.7.2000; Sch. 24 para. 8 not in force at Royal Assent see s. 425(2); Sch. 24 para. 8 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Commencement Information

**I176** Sch. 24 para. 9 wholly in force at 3.7.2000; Sch. 24 para. 9 not in force at Royal Assent see s. 425(2); Sch. 24 para. 9 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Commencement Information

**I177** Sch. 24 para. 10 wholly in force at 3.7.2000; Sch. 24 para. 10 not in force at Royal Assent see s. 425(2); Sch. 24 para. 10 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *The contents of a licensing scheme*

11 A licensing scheme must—

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- (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.

#### Commencement Information

**I178** Sch. 24 para. 11 wholly in force at 3.7.2000; Sch. 24 para. 11 not in force at Royal Assent see s. 425(2); Sch. 24 para. 11 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *Prohibition on multiple licensing schemes*

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

#### Commencement Information

**I179** Sch. 24 para. 12 wholly in force at 3.7.2000; Sch. 24 para. 12 not in force at Royal Assent see s. 425(2); Sch. 24 para. 12 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Commencement Information

**I180** Sch. 24 para. 13 wholly in force at 3.7.2000; Sch. 24 para. 13 not in force at Royal Assent see s. 425(2); Sch. 24 para. 13 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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;

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- (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.

#### Commencement Information

**I181** Sch. 24 para. 14 wholly in force at 3.7.2000; Sch. 24 para. 14 not in force at Royal Assent see s. 425(2); Sch. 24 para. 14 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *Duration of licences*

[<sup>F272</sup>15 A licence may not be granted for a period of more than one year.]

#### Textual Amendments

**F272** Sch. 24 para. 15 substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 23 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

**I182** Sch. 24 para. 15 partly in force; Sch. 24 para. 15 not in force at Royal Assent see s. 425(2); Sch. 24 para. 15 in force for certain purposes at 8.5.2000 by S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2

#### *Licensing: procedure*

16 <sup>F273</sup>(1) 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;
- (d) the variation or revocation of a licence.

[<sup>F274</sup>(2) A person who intentionally provides false or misleading information in or in connection with an application for a licence 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.]

#### Textual Amendments

**F273** Sch. 24 para. 16 renumbered as 16(1) (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 24 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**F274** Sch. 24 para. 16(2) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 24 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

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### Commencement Information

**I183** Sch. 24 para. 16 wholly in force at 3.7.2000; Sch. 24 para. 16 not in force at Royal Assent see s. 425(2); Sch. 24 para. 16 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### *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 [<sup>F275</sup>and to paragraphs 7 and 9 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 [<sup>F275</sup>and to paragraphs 7 and 9 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.

### Textual Amendments

**F275** Words in Sch. 24 para. 17(3)(4) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 25 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

### Commencement Information

**I184** Sch. 24 para. wholly in force at 3.7.2000; Sch. 24 para. 17 not in force at Royal Assent see s. 425(2); Sch. 24 para. 17 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

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### *Penalty charges*

- 18 (1) Regulations may make provision for or in connection with the imposition [<sup>F276</sup>and payment] 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).
- [<sup>F277</sup>(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.]

#### **Textual Amendments**

**F276** Words in [Sch. 24 para. 18\(1\)](#) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 26\(1\)\(2\)](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

**F277** [Sch. 24 para. 18\(3\)](#) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 26\(1\)\(3\)](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

#### **Commencement Information**

**I185** [Sch. 24 para. 18](#) partly in force; [Sch. 24 para. 18](#) in force at Royal Assent for certain purposes see [s. 425\(2\)](#); [Sch. 24 para. 18](#) in force for certain further purposes at 8.5.2000 by [S.I. 2000/801, art. 2\(2\)\(b\)](#), [Sch. Pt. 2](#)

### *Liability for charges*

- [<sup>F278</sup>19 Charges imposed in respect of any premises by a licensing scheme (including penalty charges imposed in respect of any premises) shall be paid—
- (a) by the occupier of the premises; or
  - (b) in prescribed circumstances, by such person as is prescribed.]

#### **Textual Amendments**

**F278** [Sch. 24 para. 19](#) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 27](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

### *Determination of disputes and appeals*

- 20 [<sup>F279</sup>The Lord Chancellor may by regulations] 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.



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### Textual Amendments

**F279** Words in **Sch. 24 para. 20** substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by **2000 c. 38, ss. 199, 275(1), Sch. 13 para. 28** (with s. 196); S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in **Sch. 3 Pt. II**)

### Commencement Information

**I186** **Sch. 24 para. 20** wholly in force at 3.7.2000; **Sch. 24 para. 20** in force at Royal Assent for certain purposes see s. 425(2); **Sch. 24 para. 20** in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), **Sch. Pts. 2, 3**

### *Accounts and funds*

- 21 (1) A licensing authority shall keep an account [<sup>F280</sup>relating to] 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 [<sup>F280</sup>relating to] the sums received by the body which represent net proceeds of licensing schemes for which the body is not the licensing authority.
- (3) [<sup>F281</sup>Each] of the bodies required to keep an account under sub-paragraph (1) or (2) above shall prepare a statement of that account for [<sup>F281</sup>each financial 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.
- [<sup>F282</sup>(4A) Regulations may make further provision relating to—
- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one licensing scheme); and
  - (b) the preparation and publication of statements of such accounts.]
- (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 [<sup>F283</sup>(after the application of any of the net proceeds in accordance with the following provisions)] 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.

#### Textual Amendments

- F280** Words in Sch. 24 para. 21(1)(2) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 29(2) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F281** Words in Sch. 24 para. 21(3) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 12 para. 29(3)(a)(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F282** Sch. 24 para. 21(4A) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 28(4) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)
- F283** Words in Sch. 24 para. 21(5)(b) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 29(5) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

- I187** Sch. 24 para. 21 wholly in force at 3.7.2000; Sch. 24 para. 21 not in force at Royal Assent see s. 425(2); Sch. 24 para. 21 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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—

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“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.

#### Modifications etc. (not altering text)

**C86** Sch. 24 para. 22 power to apply (with modifications) conferred (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), Sch. 12 para. 12(2)(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

**I188** Sch. 24 para. 22 wholly in force at 3.7.2000; Sch. 24 para. 22 in force at Royal Assent for certain purposes see s. 425(2); Sch. 24 para. 22 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.
  - (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.

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#### Modifications etc. (not altering text)

**C87** Sch. 24 para. 23 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(b)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I189** Sch. 24 para. 23 wholly in force at 3.7.2000; Sch. 24 para. 23 in force at Royal Assent for certain purposes see s. 425(2); Sch. 24 para. 23 in force for certain further purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### Modifications etc. (not altering text)

**C88** Sch. 24 para. 24 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(b)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### Commencement Information

**I190** Sch. 24 para. 24 wholly in force at 3.7.2000; Sch. 24 para. 24 not in force at Royal Assent see s. 425(2); Sch. 24 para. 24 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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—

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- (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—
- (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) 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.

**Modifications etc. (not altering text)**

**C89** Sch. 24 para. 25 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and *prosp.*) by 2000 c. 38, ss. 191, 275(1), Sch. 12 para. 12(2)(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Commencement Information**

**I191** Sch. 24 para. 25 wholly in force at 3.7.2000; Sch. 24 para. 25 not in force at Royal Assent see s. 425(2); Sch. 24 para. 25 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

*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.

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#### **Modifications etc. (not altering text)**

**C90** Sch. 24 para. 26 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(b)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### **Commencement Information**

**I192** Sch. 24 para. 26 wholly in force at 3.7.2000; Sch. 24 para. 26 not in force at Royal Assent see s. 425(2); Sch. 24 para. 26 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

#### **Modifications etc. (not altering text)**

**C91** Sch. 24 para. 27 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(b)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

#### **Commencement Information**

**I193** Sch. 24 para. 27 wholly in force at 3.7.2000; Sch. 24 para. 27 not in force at Royal Assent see s. 425(2); Sch. 24 para. 27 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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.

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- (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.

**Modifications etc. (not altering text)**

**C92** Sch. 24 para. 28 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), Sch. 12 para. 12(2)(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Commencement Information**

**I194** Sch. 24 para. 28 wholly in force at 3.7.2000; Sch. 24 para. 28 not in force at Royal Assent see s. 425(2); Sch. 24 para. 28 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

*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.

**Modifications etc. (not altering text)**

**C93** Sch. 24 para. 29 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), Sch. 12 para. 12(2)(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**Commencement Information**

**I195** Sch. 24 para. 29 wholly in force at 3.7.2000; Sch. 24 para. 29 not in force at Royal Assent see s. 425(2); Sch. 24 para. 29 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

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*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,
- 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.



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- (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).
- (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.

**Modifications etc. (not altering text)**

**C94** Sch. 24 para. 30 power to apply (with modifications) conferred (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 191, 275(1), **Sch. 12 para. 12(2)(b)** (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in **Sch. 3 Pt. II**)

**Commencement Information**

**I196** Sch. 24 para. 30 wholly in force at 3.7.2000; Sch. 24 para. 30 not in force at Royal Assent see s. 425(2); Sch. 24 para. 30 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

*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

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- (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 [<sup>F284</sup>intentionally] 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 [<sup>F284</sup>the statutory maximum];
  - 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 <sup>M542</sup>Town and Country Planning Act 1990 shall apply in relation to compensation under sub-paragraph [<sup>F285</sup>(5)] above as they apply in relation to compensation under Part IV of that Act.

#### Textual Amendments

**F284** Words in Sch. 24 para. 31(4) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 30(a) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**F285** Word in Sch. 24 para. 31(6) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 30(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

**I197** Sch. 24 para. 31 wholly in force at 3.7.2000; Sch. 24 para. 31 not in force at Royal Assent see s. 425(2); Sch. 24 para. 31 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### Marginal Citations

**M542** 1990 c. 8.

#### Evidence

- 32 [<sup>F286</sup>The Lord Chancellor may by regulations] 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 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.

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### Textual Amendments

**F286** Words in [Sch. 24 para. 32](#) substituted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by [2000 c. 38, ss. 199, 275\(1\)](#), [Sch. 13 para. 31](#) (with [s. 196](#)); [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#))

### Commencement Information

**I198** [Sch. 24 para. 32](#) wholly in force at 3.7.2000; [Sch. 24 para. 32](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 24 para. 32](#) in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

### 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.

### Commencement Information

**I199** [Sch. 24 para. 33](#) wholly in force at 3.7.2000; [Sch. 24 para. 33](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 24 para. 33](#) in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

### 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.

### Commencement Information

**I200** [Sch. 24 para. 34](#) wholly in force at 3.7.2000; [Sch. 24 para. 34](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 24 para. 34](#) in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by [S.I. 2000/801, art. 2\(2\)\(b\)\(c\)](#), [Sch. Pts. 2, 3](#)

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### 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.
- [<sup>F287</sup>(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.]

#### Textual Amendments

**F287** Sch. 24 para. 35(3) inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 32 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

**I201** Sch. 24 para. 35 wholly in force at 3.7.2000; Sch. 24 para. 35 not in force at Royal Assent see s. 425(2); Sch. 24 para. 35 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

### <sup>F288</sup> Information

#### Textual Amendments

**F288** Sch. 24 para. 35A cross heading inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 33 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

- <sup>F289</sup>35A(1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to a licensing authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.
- (2) Information obtained by a licensing authority for or in connection with any of their functions other than their functions with respect to a licensing scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.
- (3) Any information—
- (a) which has been or could be disclosed to a licensing authority under subparagraph (1) above for or in connection with the exercise of any of their functions with respect to a licensing scheme, or
  - (b) which has been or could be used by an authority by virtue of subparagraph (2) above for or in connection with the exercise of any of those functions,
- may be disclosed to any person with whom the authority has entered into arrangements under paragraph 33(b) above.

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- (4) Information disclosed to a person under sub-paragraph (3) above—
- (a) may be disclosed to any other person for or in connection with the licensing scheme; but
  - (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the licensing scheme.]

#### Textual Amendments

**F289** Sch. 24 para. 35A inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 33 (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### *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;
  - (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.

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#### Commencement Information

**I202** Sch. 24 para. 36 wholly in force at 3.7.2000; Sch. 24 para. 36 not in force at Royal Assent see s. 425(2); Sch. 24 para. 36 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

#### *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 <sup>M543</sup>Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

#### Marginal Citations

M543 1947 c. 44.

#### *Duration of licensing schemes*

PROSPECTIVE

- 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.

#### Commencement Information

**I203** Sch. 24 para. wholly in force at 3.7.2000; Sch. 24 para. 38 not in force at Royal Assent see s. 425(2); Sch. 24 para. 38 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

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### Variation and revocation of licensing schemes

- 39 The power to make a licensing scheme includes power [<sup>F290</sup>, exercisable in the same manner, and subject to the same conditions and limitations,] to vary or revoke such a scheme [<sup>F291</sup>; and paragraph 7 above applies in relation to the variation or revocation of a licensing scheme as to the making of a licensing scheme.].

#### Textual Amendments

**F290** Words in Sch. 24 para. 39 repealed (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), 274, Sch. 13 para. 34(a), Sch. 31 Pt. III (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

**F291** Words in Sch. 24 para. 39 inserted (E.W.) (1.2.2001 (E.) and otherwise *prosp.*) by 2000 c. 38, ss. 199, 275(1), Sch. 13 para. 34(b) (with s. 196); S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II)

#### Commencement Information

**I204** Sch. 24 para. 39 wholly in force at 3.7.2000; Sch. 24 para. 39 not in force at Royal Assent see s. 425(2); Sch. 24 para. 39 in force for certain purposes at 8.5.2000 and at 3.7.2000 in so far as not already in force by S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3

## SCHEDULE 25

Section 309.

### FURTHER AMENDMENTS OF THE REGIONAL DEVELOPMENT AGENCIES ACT 1998

#### Preliminary

- 1 The <sup>M544</sup>Regional Development Agencies Act 1998 shall be amended as follows.

#### Marginal Citations

**M544** 1998 c. 45.

#### 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.”

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### *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 ”.

(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.”



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### *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—

“(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 <sup>M545</sup>Acquisition of Land Act 1981 unless the Mayor of London has given his consent.”

#### **Marginal Citations**

M545 1981 c. 67

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*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.”

*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.

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- (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.

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- (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—
- “ *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 <sup>M546</sup>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) ”.

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**Marginal Citations**

M546 1972 c. 11.

*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.

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- (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—
- (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.

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- (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

#### Commencement Information

**I205** Sch. 26 wholly in force at 3.7.2000; Sch. 26 not in force at Royal Assent see s. 425(2); Sch. 26 in force for specified purposes at 1.1.2000 by S.I. 1999/3271, art. 3(c); Sch. 26 in force, in so far as not already in force, for specified purposes on "the operative date" (as defined in S.I. 2000/1095, art. 1) and for all other purposes at 3.7.2000 by S.I. 2000/1095, art. 4(2)(b), 5, 6

#### “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—
- (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

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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 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



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- (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 <sup>M547</sup>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 <sup>M548</sup>Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the <sup>M549</sup>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—

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- (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;
  - (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.

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### *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

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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.

*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 <sup>M550</sup>Peace Act 1997;
- “magistrate” has the same meaning as in the Justices of the <sup>M551</sup>Peace Act 1997.”

**Marginal Citations**

M547 1997 c. 25.  
M548 1986 c. 46.  
M549 1986 c. 45.  
M550 1997 c. 25.

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M551 1997 c. 25.

## SCHEDULE 27

Section 325.

### FURTHER AMENDMENTS RELATING TO METROPOLITAN POLICE ETC

#### *The Metropolitan Police Act 1829*

- 1 The following provisions of the <sup>M552</sup>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).

#### **Commencement Information**

**I206** Sch. 27 para. 1 partly in force; Sch. 27 para. 1 not in force at Royal Assent see s. 425(2); Sch. 27 para. 1 in force for specified purposes at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#) (subject to transitional provision in [Sch.](#))

#### **Marginal Citations**

[M552 1829 c. 44.](#)

#### *The Metropolitan Police Act 1856*

- 2 The following provisions of the <sup>M553</sup>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).

#### **Marginal Citations**

[M553 1856 c. 2.](#)

#### *The Metropolitan Police (Receiver) Act 1861*

- 3 The following provisions of the <sup>M554</sup>Metropolitan Police (Receiver) Act 1861 shall cease to have effect—

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- (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).

**Commencement Information**

**I207** Sch. 27 para. 3 partly in force; Sch. 27 para. 3 not in force at Royal Assent see s. 425(2); Sch. 27 para. 3 in force for specified purposes at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

**Marginal Citations**

**M554** 1861 c. 124.

*The Metropolitan Police (Receiver) Act 1867*

- 4 Section 1 of the <sup>M555</sup>Metropolitan Police (Receiver) Act 1867 (accounts) [<sup>F292</sup>shall have effect as if there were inserted, after “Metropolitan Police Act 1829”, the words shall, as regards monies for police purposes, be made up to 2nd July 2000, and as regards monies for other purposes] .

**Textual Amendments**

**F292** Words in Sch. 27 para. 4 substituted (30.3.2000) by [S.I. 2000/801](#), [art. 3](#)

**Marginal Citations**

**M555** 1867 c. 39.

*The Metropolitan Police Act 1886*

- 5 The following provisions of the <sup>M556</sup>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”).

**Commencement Information**

**I208** Sch. 27 para. 5 partly in force; Sch. 27 para. 5 not in force at Royal Assent see s. 425(2); Sch. 27 para. 5 in force for specified purposes at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

**Marginal Citations**

**M556** 1886 c. 22.

*The Riot (Damages) Act 1886*

- 6 (1) The <sup>M557</sup>Riot (Damages) Act 1886 shall be amended as follows.

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- (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.

**Marginal Citations**

M557 1886 c. 38.

*The Metropolitan Police Act 1887*

7 The <sup>M558</sup>Metropolitan Police Act 1887 shall cease to have effect.

**Commencement Information**

I209 Sch. 27 para. 7 partly in force; Sch. 27 para. 7 not in force at Royal Assent see s. 425(2); Sch. 27 para. 7 in force for specified purposes at 3.7.2000 by S.I. 2000/1648, art. 2, Sch.

**Marginal Citations**

M558 1887 c. 45.

PROSPECTIVE

*The Metropolitan Police (Receiver) Act 1895*

8 The <sup>M559</sup>Metropolitan Police (Receiver) Act 1895 shall cease to have effect.

**Marginal Citations**

M559 1895 c. 12.

PROSPECTIVE

*The Metropolitan Police Courts Act 1897*

9 The <sup>M560</sup>Metropolitan Police Courts Act 1897 shall cease to have effect.

**Marginal Citations**

M560 1897 c. 26.

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*The Police (Property) Act 1897*

- 10 (1) Section 2 of the <sup>M561</sup>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.

**Marginal Citations**

<sup>M561</sup> 1897 c. 30.

*The Metropolitan Police Act 1899*

- 11 Section 1 of the <sup>M562</sup>Metropolitan Police Act 1899 (which provides for the remuneration of the Commissioner of Police of the Metropolis) shall cease to have effect.

**Commencement Information**

**I210** Sch. 27 para. 11 partly in force; Sch. 27 para. 11 not in force at Royal Assent see s. 425(2); Sch. 27 para. 11 in force for specified purposes at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

**Marginal Citations**

<sup>M562</sup> 1899 c. 26.

*The Police Act 1909*

- 12 In the <sup>M563</sup>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.

**Marginal Citations**

<sup>M563</sup> 1909 c. 40.

*The Crown Lands Act 1936*

- 13 (1) The <sup>M564</sup>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—



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- (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.

**Commencement Information**

**I211** Sch. 27 para. 13 partly in force; Sch. 27 para. 13 not in force at Royal Assent see s. 425(2); Sch. 27 para. 13 in force for specified purposes at 3.7.2000 by S.I. 2000/1648, art. 2, **Sch.**

**Marginal Citations**

**M564** 1936 c. 47.

PROSPECTIVE

*The London Building Acts (Amendment) Act 1939*

- 14 (1) Section 151 of the <sup>M565</sup>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.

**Marginal Citations**

**M565** 1939 c. xcvi.

*The Local Government Act 1948*

- 15 Section 121 of the <sup>M566</sup>Local Government Act 1948 (provisions as to precepts of metropolitan police) shall cease to have effect.

**Marginal Citations**

**M566** 1948 c. 26.

*The Metropolitan Magistrates' Courts Act 1959*

- 16 (1) The <sup>M567</sup>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.

**Marginal Citations**

**M567** 1959 c. 45.

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*The Local Government (Records) Act 1962*

- 17 (1) The <sup>M568</sup>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 <sup>M569</sup>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 <sup>M570</sup>Police Act 1996,” there shall be inserted “ the Metropolitan Police Authority, ”.

**Marginal Citations**

**M568** 1962 c. 56.  
**M569** 1996 c. 16.  
**M570** 1996 c. 16.

PROSPECTIVE

*The Administration of Justice Act 1964*

- 18 In section 38(1) of the <sup>M571</sup>Administration of Justice Act 1964 (interpretation) the definition of “the Receiver” shall cease to have effect.

**Marginal Citations**

**M571** 1964 c. 42.

*The Local Government Act 1966*

PROSPECTIVE

- 19 (1) Section 11 of the <sup>M572</sup>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 <sup>M573</sup>Police Act 1996” there shall be inserted “ , the Metropolitan Police Authority, ”.

**Marginal Citations**

**M572** 1966 c. 42.  
**M573** 1996 c. 16.

*The Superannuation (Miscellaneous Provisions) Act 1967*

- 20 (1) Section 15 of the <sup>M574</sup>Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs) shall be amended as set out in subparagraphs (2) to (6) below.

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- (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 <sup>M575</sup>Superannuation Act 1972, section 50 of the Justices of the <sup>M576</sup>Peace Act 1997, paragraph 36 of Schedule 14 to the <sup>M577</sup>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”.
- (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 ”.

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- (7) Nothing in sub-paragraphs (2) to (5) above shall affect the application of section 15 of the <sup>M578</sup>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 <sup>M579</sup>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 <sup>M580</sup>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 <sup>M581</sup>Superannuation (Miscellaneous Provisions) Act 1967 before the day on which section 310 of this Act comes into force.

#### **Commencement Information**

**I212** Sch. 27 para. 20 wholly in force; Sch. 27 para. 20 not in force at Royal Assent see. s. 425(2); Sch. 27 para. 20 in force at 3.7.2000 by [S.I. 2000/1648, art. 2, Sch.](#) (subject to transitional provisions in [Sch.](#))

#### **Marginal Citations**

**M574** 1967 c. 28.  
**M575** 1972 c. 11.  
**M576** 1997 c. 25.  
**M577** 1999 c. 22.  
**M578** 1967 c. 28.  
**M579** 1967 c. 28.  
**M580** 1999 c. 22.  
**M581** 1967 c. 28.

#### *The Leasehold Reform Act 1967*

- 21 (1) Section 28 of the <sup>M582</sup>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 <sup>M583</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

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**Marginal Citations**

M582 1967 c. 88.

M583 1996 c. 16.

*The Firearms Act 1968*

- 22 In section 57(4) of the <sup>M584</sup>Firearms Act 1968 (interpretation) in the definition of “civilian officer”, paragraph (b) and the word “or” immediately preceding it shall cease to have effect.

**Marginal Citations**

M584 1968 c. 27.

*The Local Government Grants (Social Need) Act 1969*

- 23 (1) The <sup>M585</sup>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 <sup>M586</sup>Police Act 1996” there shall be inserted “, the Metropolitan Police Authority, ”.

**Marginal Citations**

M585 1969 c. 2.

M586 1996 c. 16.

*The Pensions (Increase) Act 1971*

- 24 (1) The <sup>M587</sup>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 ”.

**Marginal Citations**

M587 1971 c. 56.

*The Local Government Act 1972*

*Members’ interests in contracts etc*

- 25 In section 98 of the <sup>M588</sup>Local Government Act 1972 (members’ interests in contracts: interpretation of sections 95 to 97) in subsection (1A) (extended meaning

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of local authority) after “section 3 of the <sup>M589</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**  
[M588 1972 c. 70.](#)  
[M589 1996 c. 16.](#)

*Meetings and proceedings*

26 In section 99 of the <sup>M590</sup>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 ”.

**Marginal Citations**  
[M590 1972 c. 70.](#)

*Discharge of functions*

27 In section 107 of the <sup>M591</sup>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.

**Marginal Citations**  
[M591 1972 c. 70.](#)

*Miscellaneous powers of local authorities*

28 (1) Section 146A of the <sup>M592</sup>Local Government Act 1972 (which applies certain provisions of Part VII of that Act to police authorities etc) shall be amended as follows.

<sup>F293</sup>(2) .....

(3) In subsection (1A) (exceptions for police authorities) after “section 3 of the <sup>M593</sup>Police Act 1996” there shall be inserted “ nor the Metropolitan Police Authority ”.

(4) In subsection (1B) (modifications of sections 140A and 140C in their application to police authorities) after “section 3 of the <sup>M594</sup>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 <sup>M595</sup>Police Act 1996” there shall be inserted “ or the Metropolitan Police Authority ”.

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#### Textual Amendments

**F293** Sch. 27 para. 28(2) repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provision in **art. 4**)

#### Marginal Citations

**M592** 1972 c. 70.

**M593** 1996 c. 16.

**M594** 1996 c. 16.

**M595** 1996 c. 16.

### *Appearance in legal proceedings*

**F294**29 .....

#### Textual Amendments

**F294** Sch. 27 para. 29 repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provision in **art. 4**)

### *Inspection of documents*

30 In section 228 of the <sup>M596</sup>Local Government Act 1972 (inspection of documents) in subsection (7A) (application to minutes and accounts of police authorities) after “section 3 of the <sup>M597</sup>Police Act 1996” there shall be inserted “ or the Metropolitan Police Authority ”.

#### Marginal Citations

**M596** 1972 c. 70.

**M597** 1996 c. 16.

### *Photographic copies of documents*

31 In section 229 of the <sup>M598</sup>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 ”.

#### Marginal Citations

**M598** 1972 c. 70.

### *Services of notices on local authorities*

32 In section 231 of the <sup>M599</sup>Local Government Act 1972 (services of notices on local authorities) in subsection (4) (extended meaning of “local authority”) after

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“section 3 of the Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**

**M599** 1972 c. 70.

*Public notices*

- 33 In section 232 of the <sup>M600</sup>Local Government Act 1972 (public notices) in subsection (1A) (extended meaning of “local authority”) after “section 3 of the <sup>M601</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**

**M600** 1972 c. 70.

**M601** 1996 c. 16.

*Service of notices by local authorities*

- 34 In section 233 of the <sup>M602</sup>Local Government Act 1972 (service of notices by local authorities) in subsection (11) (extended meaning of “local authority”) after “section 3 of the <sup>M603</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**

**M602** 1972 c. 70.

**M603** 1996 c. 16.

*Authentication of documents*

- 35 In section 234 of the <sup>M604</sup>Local Government Act 1972 (authentication of documents) in subsection (4) (extended meaning of “local authority”) after “section 3 of the <sup>M605</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**

**M604** 1972 c. 70.

**M605** 1996 c. 16.

*Meetings and proceedings*

- 36 (1) Schedule 12 to the <sup>M606</sup>Local Government Act 1972 (meetings and proceedings of local authorities) shall be amended as follows.



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- (2) In paragraph 6A (application of paragraph 1 to police authorities etc) in subparagraph (1) after “section 3 of the <sup>M607</sup>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 <sup>M608</sup>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 <sup>M609</sup>Police Act 1996” there shall be inserted “ and the Metropolitan Police Authority ”.

**Marginal Citations**

**M606** 1972 c. 70.  
**M607** 1996 c. 16.  
**M608** 1996 c. 16.  
**M609** 1996 c. 16.

*The Employment Agencies Act 1973*

- 37 In section 13(7) of the <sup>M610</sup>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;”.

**Marginal Citations**

**M610** 1973 c. 35.

*The Local Government Act 1974*

<sup>F295</sup>38 .....

**Textual Amendments**

**F295** Sch. 27 para. 38 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 2

*The House of Commons Disqualification Act 1975*

- 39 (1) The <sup>M611</sup>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.

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**Commencement Information**

**I213** Sch. 27 para. 39 partly in force; Sch. 27 para. 39 not in force at Royal Assent see s. 425(2); Sch. 27 para. 39(1)(2)(a)(b) in force at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

**Marginal Citations**

**M611** 1975 c. 24.

*The Northern Ireland Assembly Disqualification Act 1975*

- 40 (1) The <sup>M612</sup>Northern Ireland Assembly 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.

**Commencement Information**

**I214** Sch. 27 para. 40 partly in force; Sch. 27 para. 40 not in force at Royal Assent see s. 425(2); Sch. 27 para. 40(1)(2)(a)(b) in force at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

**Marginal Citations**

**M612** 1975 c. 25.

*The Local Government (Miscellaneous Provisions) Act 1976*

- 41 (1) Part I of the <sup>M613</sup>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 <sup>M614</sup>Police Act 1996,” there shall be inserted “the Metropolitan Police Authority, ”.

**Marginal Citations**

**M613** 1976 c. 57.

**M614** 1996 c. 16.

*The Local Government, Planning and Land Act 1980*

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### *Direct labour organisations*

- 42 (1) Section 20 of the <sup>M615</sup>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, ”.

#### **Marginal Citations**

**M615** 1980 c. 65.

### *Rate support grants*

<sup>F296</sup>43 .....

#### **Textual Amendments**

**F296** Sch. 27 para. 43 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 2

### *Disposal of land held by public bodies*

- 44 (1) In section 99 of the <sup>M616</sup>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;”.
- (2) In Schedule 16 to the <sup>M617</sup>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.”

#### **Marginal Citations**

**M616** 1980 c. 65.

**M617** 1980 c. 65.

### *The Local Government (Miscellaneous Provisions) Act 1982*

- 45 (1) The <sup>M618</sup>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 <sup>M619</sup>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”.

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**Marginal Citations**

**M618** 1982 c. 30.

**M619** 1996 c. 16.

*The Aviation Security Act 1982*

- 46 (1) The <sup>M620</sup>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.

**Marginal Citations**

**M620** 1982 c. 36.

*The Insurance Companies Act 1982*

- 47 (1) The <sup>M621</sup>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.

**Marginal Citations**

**M621** 1982 c. 50.

*The Road Traffic Regulation Act 1984*

- 48 (1) Section 97 of the <sup>M622</sup>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.

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**Marginal Citations**

[M622](#) 1984 c. 27.

*The County Courts Act 1984*

- 49 In section 60 of the <sup>M623</sup>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 <sup>M624</sup>Police Act 1996,” there shall be inserted “ the Metropolitan Police Authority, ”.

**Marginal Citations**

[M623](#) 1984 c. 28.

[M624](#) 1996 c. 16.

*The Rates Act 1984*

- 50 In section 1 of the <sup>M625</sup>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.

**Marginal Citations**

[M625](#) 1984 c. 33.

*The Housing Act 1985*

- <sup>F297</sup>51 .....

**Textual Amendments**

[F297](#) Sch. 27 para. 51 repealed (24.7.2002) by [2002 c. 30](#), ss. 107, 108(3), [Sch. 8](#)

*The Housing Associations Act 1985*

- 52 In section 106 of the <sup>M626</sup>Housing Associations Act 1985 (minor definitions) in subsection (1), in the definition of “local authority”, after “section 3 of the <sup>M627</sup>Police Act 1996” there shall be inserted “ , the Metropolitan Police Authority ”.

**Marginal Citations**

[M626](#) 1985 c. 69.

[M627](#) 1996 c. 16.

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### *The Landlord and Tenant Act 1985*

- 53 In section 38 of the <sup>M628</sup>Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority”, after “section 3 of the <sup>M629</sup>Police Act 1996,” there shall be inserted “ the Metropolitan Police Authority, ”.

**Marginal Citations**

**M628** 1985 c. 70.

**M629** 1996 c. 16.

### *The Local Government Act 1986*

#### *Publicity etc*

- 54 In section 6 of the <sup>M630</sup>Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality) in subsection (2)(a), after “section 3 of the <sup>M631</sup>Police Act 1996,” there shall be inserted—  
 “the Metropolitan Police Authority,”.

**Marginal Citations**

**M630** 1986 c. 10.

**M631** 1996 c. 16.

#### *Transfer of local authority mortgages*

- 55 In section 9 of the <sup>M632</sup>Local Government Act 1986 (interpretation of provisions relating to the transfer of mortgages) in subsection (1)(a), after “section 3 of the <sup>M633</sup>Police Act 1996,” there shall be inserted—  
 “the Metropolitan Police Authority,”.

**Marginal Citations**

**M632** 1986 c. 10.

**M633** 1996 c. 16.

### *The Local Government Act 1988*

#### *Competition*

- 56 In section 1 of the <sup>M634</sup>Local Government Act 1988 (defined authorities for provisions on competition) in subsection (1), after paragraph (e) there shall be inserted—  
 “(eza) the Metropolitan Police Authority,”.

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**Marginal Citations**

[M634](#) 1988 c. 9.

*Public supply or works contracts*

57 In Schedule 2 to the <sup>M635</sup>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 <sup>M636</sup>Police Act 1996 there shall be inserted—

“The Metropolitan Police Authority.”

**Marginal Citations**

[M635](#) 1988 c. 9.

[M636](#) 1996 c. 16.

*The Local Government Finance Act 1988*

58 In section 126 of the <sup>M637</sup>Local Government Finance Act 1988 (variation of multipliers in supplementary reports) subsection (5) (which relates to the Receiver) shall cease to have effect.

**Marginal Citations**

[M637](#) 1988 c. 41.

*The Housing Act 1988*

<sup>F298</sup>59 .....

**Textual Amendments**

[F298](#) Sch. 27 para. 59 repealed (24.7.2002) by [2002 c. 30, ss. 107, 108\(3\)](#), [Sch. 8](#)

*The Road Traffic Act 1988*

*Police driving instructors*

60 In section 124 of the <sup>M638</sup>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.

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**Marginal Citations**

**M638** 1988 c. 52.

*Exceptions from requirement of third party insurance or security*

PROSPECTIVE

- 61 In section 144 of the <sup>M639</sup>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.

**Marginal Citations**

**M639** 1988 c. 52.

*The Local Government and Housing Act 1989*

*Monitoring officers*

- 62 In section 5 of the <sup>M640</sup>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 ”.

**Commencement Information**

**I215** Sch. 27 para. 62 wholly in force at 3.7.2000; Sch. 27 para. 62 not in force at Royal Assent, see s. 425(2); Sch. 27 para. 62 in force for specified purposes on "the operative date" (as defined in [S.I. 2000/1095, art. 1](#)) and for all other purposes at 3.7.2000 by [S.I. 2000/1095, art. 4\(2\)\(c\)](#), 5, 6

**Marginal Citations**

**M640** 1989 c. 42.

*Members, officers, staff, committees etc*

<sup>F299</sup>63 .....

**Textual Amendments**

**F299** Sch. 27 para. 63 repealed (1.4.2002) by 2001 c. 16, s. 137, [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344, art. 3\(j\)\(m\)](#) (with transitional provision in [art. 4](#))



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### *Financial provisions*

- 64 In section 157 of the <sup>M641</sup>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;”.

#### **Commencement Information**

**I216** Sch. 27 para. 64 partly in force; Sch. 27 para. 64 not in force at Royal Assent see s. 425(2); Sch. 27 para. 64 in force for specified purposes at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

#### **Marginal Citations**

**M641** 1989 c. 42.

### *The Town and Country Planning Act 1990*

#### *Orders relating to highways*

- 65 In section 252 of the <sup>M642</sup>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 <sup>M643</sup>Police Act 1996,” there shall be inserted “ the Metropolitan Police Authority, ”.

#### **Marginal Citations**

**M642** 1990 c. 8.

**M643** 1996 c. 16.

#### *General interpretation of “local authority”*

- 66 In section 336(1) of the <sup>M644</sup>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 ”.

#### **Commencement Information**

**I217** Sch. 27 para. 66 partly in force; Sch. 27 para. 66 not in force at Royal Assent see s. 425(2); Sch. 27 para. 66(b) in force at 3.7.2000 by [S.I. 2000/1648](#), [art. 2](#), [Sch.](#) (subject to transitional provision in [Sch.](#))

#### **Marginal Citations**

**M644** 1990 c. 8.

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### *The War Crimes Act 1991*

- 67 In section 2 of the <sup>M645</sup>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”.

#### **Marginal Citations**

**M645** 1991 c. 13.

PROSPECTIVE

### *The Value Added Tax Act 1994*

- 68 In section 33 of the <sup>M646</sup>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.

#### **Marginal Citations**

**M646** 1994 c. 23.

### *The Police Act 1996*

#### *Police areas*

- 69 In section 1 of the <sup>M647</sup>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.

#### **Marginal Citations**

**M647** 1996 c. 16.

#### *Local policing objectives*

- 70 In section 7 of the <sup>M648</sup>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.”

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**Marginal Citations**

M648 1996 c. 16.

*Local policing plans*

71 In section 8 of the <sup>M649</sup>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.”

**Marginal Citations**

M649 1996 c. 16.

*Annual report*

72 In section 9 of the <sup>M650</sup>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.”

**Marginal Citations**

M650 1996 c. 16.

*Police fund*

73 In section 14 of the <sup>M651</sup>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.”

**Marginal Citations**

M651 1996 c. 16.

*Civilian employees*

74 (1) Section 15 of the <sup>M652</sup>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 ”.

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(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.”

**Marginal Citations**

**M652** 1996 c. 16.

*Appointment of clerk*

75 (1) Section 16 of the <sup>M653</sup>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.”

**Commencement Information**

**I218** Sch. 27 para. 75 wholly in force at 3.7.2000; Sch. 27 para. 75 not in force at Royal Assent, see s. 425(2); Sch. 27 para. 75 in force for specified purposes on “the operative date” (as defined in [S.I. 2000/1095, art. 1](#)) and for all other purposes at 3.7.2000 by [S.I. 2000/1095, art. 4\(2\)\(c\)](#), 5, 6

**Marginal Citations**

**M653** 1996 c. 16.

*Appointment of persons not employed by police authorities*

76 (1) Section 17 of the <sup>M654</sup>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.”

**Commencement Information**

**I219** Sch 27 para. 76 wholly in force at 3.7.2000; Sch. 27 para. 76 not in force at Royal Assent, see s. 425(2); Sch. 27 para. 76 in force for specified purposes on “the operative date” (as defined in [S.I. 2000/1095, art. 1](#)) and for all other purposes at 3.7.2000 by [S.I. 2000/1095, art. 4\(2\)\(c\)](#), 5, 6

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#### Marginal Citations

M654 1996 c. 16.

#### *Supply of goods and services*

- 77 In section 18 of the <sup>M655</sup>Police Act 1996 (application of certain provisions of the <sup>M656</sup>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 ”.

#### Marginal Citations

M655 1996 c. 16.

M656 1970 c. 39.

#### *Questions to the Metropolitan Police Authority*

- 78 In subsection (1) of section 20 of the <sup>M657</sup>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.”

#### Marginal Citations

M657 1996 c. 16.

#### *Report by the Commissioner of Police of the Metropolis*

- 79 (1) Section 22 of the <sup>M658</sup>Police Act 1996 (reports by chief constables etc to police authorities) shall be amended as follows.
- (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 ”.

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- (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.

**Marginal Citations**

M658 1996 c. 16.

*Special police services*

- 80 In section 25 of the <sup>M659</sup>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.

**Marginal Citations**

M659 1996 c. 16.

*Advice and assistance to international organisations*

- 81 In section 26 of the <sup>M660</sup>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.

**Marginal Citations**

M660 1996 c. 16.

*Police cadets*

- 82 In section 28 of the <sup>M661</sup>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.

**Marginal Citations**

M661 1996 c. 16.

*Attestation of constable*

- 83 In section 29 of the <sup>M662</sup>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

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(b) in paragraph (b) (any other case) the words “in any other case,”, shall cease to have effect.

#### Marginal Citations

M662 1996 c. 16.

#### *Alteration of police areas*

- 84 (1) Section 32 of the <sup>M663</sup>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 police district as it existed immediately before 1st April 1995) shall cease to have effect.

#### Commencement Information

**I220** Sch. 27 para. 84 wholly in force at 3.7.2000; Sch. 27 para. 84 not in force at Royal Assent see s. 425(2); Sch. 27 para. 84(1)(3) in force at 1.4.2000 by S.I. 1999/3271, art. 4(c); Sch. 27 para. 84 in force (3.7.2000) in so far as not already in force by S.I. 2000/1648, art. 2, Sch.

#### Marginal Citations

M663 1996 c. 16.

#### *Objections to proposed alterations in police areas*

- 85 (1) Section 33 of the <sup>M664</sup>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,”.

#### Marginal Citations

M664 1996 c. 16.

#### *Objectives for police authorities*

- 86 (1) Section 37 of the <sup>M665</sup>Police Act 1996 (setting of objectives for police authorities) shall be amended as follows.

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- (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”.

**Marginal Citations**

M665 1996 c. 16.

*Setting of performance targets*

- 87 In section 38 of the <sup>M666</sup>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”.

**Marginal Citations**

M666 1996 c. 16.

*Codes of practice*

- 88 In section 39(1) of the <sup>M667</sup>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”.

**Marginal Citations**

M667 1996 c. 16.

*Power of Secretary of State to require inspection*

- 89 In section 40(1) of the <sup>M668</sup>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”.



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#### Marginal Citations

M668 1996 c. 16.

#### *Removal of Commissioners or Commanders*

F30090 .....

#### Textual Amendments

F300 Sch. 27 para. 90 repealed (23.12.2004) by Police Reform Act 2002 (c. 30), s. 108(2), Sch. 8; S.I. 2004/3338, art. 3(c)(v)

#### *Reports from the Commissioner of Police of the Metropolis*

- 91 (1) Section 44 of the <sup>M669</sup>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.

#### Marginal Citations

M669 1996 c. 16.

#### *Grants by the Secretary of State*

- 92 (1) Section 46 of the <sup>M670</sup>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.”

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(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 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.”

**Marginal Citations**

**M670** 1996 c. 16.

*Grants for capital expenditure*

93 (1) Section 47 of the <sup>M671</sup>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.”

**Marginal Citations**

**M671** 1996 c. 16.

*Grants for expenditure concerning safeguarding national security*

94 (1) Section 48 of the <sup>M672</sup>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.”

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**Marginal Citations**

[M672](#) 1996 c. 16.

*Disciplinary proceedings relating to senior officers*

- 95 In section 50(3)(b) of the <sup>M673</sup>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. ”

**Marginal Citations**

[M673](#) 1996 c. 16.

*Copies of reports*

- 96 In section 55 of the <sup>M674</sup>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.

**Marginal Citations**

[M674](#) 1996 c. 16.

*The appropriate authority for complaints etc about metropolitan police*

- F30197 .....

**Textual Amendments**

**F301** Sch. 27 paras. 97-99 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 8**; S.I. 2004/913, art. 2(f)(viii)

*Investigation of complaints*

- F30198 .....

**Textual Amendments**

**F301** Sch. 27 paras. 97-99 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 8**; S.I. 2004/913, art. 2(f)(viii)

*Supervision of investigations by Police Complaints Authority*

- F30199 .....

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**Textual Amendments**

**F301** Sch. 27 paras. 97-99 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), [Sch. 8](#); [S.I. 2004/913](#), art. 2(f)(viii)

*Grants by local authorities*

- 100 In section 92 of the <sup>M675</sup>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 ”

**Marginal Citations**

**M675** 1996 c. 16.

*Acceptance of gifts and loans*

- 101 In section 93 of the <sup>M676</sup>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.

**Marginal Citations**

**M676** 1996 c. 16.

*Metropolitan police fund etc*

- 102 (1) Section 95 of the <sup>M677</sup>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.”

**Marginal Citations**

**M677** 1996 c. 16.

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*Obtaining community views on policing*

- 103 (1) Section 96 of the <sup>M678</sup>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) ”; and
  - (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.

**Marginal Citations**

**M678** 1996 c. 16.

*National and international functions of metropolitan police*

- 104 After section 96 of the <sup>M679</sup>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 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.

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### **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.
- (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.”

#### **Marginal Citations**

M679 1996 c. 16.

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### Schedule 2

- 105 (1) Schedule 2 to the <sup>M680</sup>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.

#### Marginal Citations

**M680** 1996 c. 16.

### Schedule 3

- 106 (1) Schedule 3 to the <sup>M681</sup>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 ”.
- [<sup>F302</sup>(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 ”.
- <sup>F302</sup>(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

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- (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) ”.

#### Textual Amendments

**F302** Sch. 27 para. 106(5)(6) repealed (19.6.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 4**; S.I. 2001/2223, **art. 2(f)(h)(ii)**

#### Commencement Information

**I221** Sch. 27 para. 106 wholly in force at 3.7.2000; Sch. 27 para. 106 not in force at Royal Assent see s. 425(2); Sch. 27 para. 106 in force for specified purposes at 1.1.2000 by S.I. 1999/3271, **art. 3(d)**; Sch. 27 para. 106 in force (3.7.2000) in so far as not already in force by S.I. 2000/1648, **art. 2, Sch.**

#### Marginal Citations

**M681** 1996 c. 16.

### *Schedule 6*

- 107 (1) Schedule 6 to the <sup>M682</sup>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.

#### Marginal Citations

**M682** 1996 c. 16.

### *The Justices of the Peace Act 1997*

- 108 (1) The Justices of the <sup>M683</sup>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;”.



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**Marginal Citations**

M683 1997 c. 25.

*The Police (Insurance of Voluntary Assistants) Act 1997*

- 109 (1) The <sup>M684</sup>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.

**Marginal Citations**

M684 1997 c. 45.

*The Police Act 1997*

F303 110 . . . . .

**Textual Amendments**

F303 Sch. 27 para. 110 repealed (1.8.2001) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2001/2223, art. 3(j)(i)(iii)

F304 111 . . . . .

**Textual Amendments**

F304 Sch. 27 para. 111 repealed (1.8.2001) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2001/2223, art. 3(j)(i)(iii)

- 112 In section 119 of the <sup>M685</sup>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.

**Marginal Citations**

M685 1997 c. 50.

- 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 ”.

F305 (3) . . . . .

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- (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
  - (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. ”

**Textual Amendments**  
**F305** Sch. 27 para. 133(3) repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provision in **art. 4**)

F306 114 .....

**Textual Amendments**  
**F306** Sch. 27 para. 110 repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2223, **art. 3(j)(l)(iii)**

F307 115 .....

**Textual Amendments**  
**F307** Sch. 27 para. 115 repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2223, **art. 3(j)(l)(iii)**

PROSPECTIVE

*The Local Government (Contracts) Act 1997*

116 In section 1(3) of the <sup>M686</sup>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.

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### Marginal Citations

M686 1997 c. 65.

## 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.

#### Commencement Information

**I222** Sch. 28 para. 1 wholly in force at 3.7.2000; Sch. 28 para. 1 partly in force at Royal Assent see s.425(2); Sch. 28 para. 1 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, art. 3(b); Sch. 28 para. 1 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, art. 4(g)

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### *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.
  - (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.

#### **Commencement Information**

**I223** Sch. 28 para. 2 wholly in force at 3.7.2000; Sch. 28 para. 2 not in force at Royal Assent see s. 425(2); Sch. 28 para. 2 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 2 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

### *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.

#### **Commencement Information**

**I224** Sch. 28 para. 3 wholly in force at 3.7.2000; Sch. 28 para. 3 not in force at Royal Assent see s. 425(2); Sch. 28 para. 3 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 3 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

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*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 <sup>M687</sup>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 <sup>M688</sup>Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances).

**Commencement Information**

**I225** Sch. 28 para. 4 wholly in force at 3.7.2000; Sch. 28 para. 4 not in force at Royal Assent see s. 425(2); Sch. 28 para. 4 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 4 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

**Marginal Citations**

**M687** 1972 c. 70.

**M688** 1989 c. 42.

*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
  - (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.

**Commencement Information**

**I226** Sch. 28 para. 5 wholly in force at 3.7.2000; Sch. 28 para. 5 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 5 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 5 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

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### *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.

#### **Commencement Information**

**I227** Sch. 28 para. 6 wholly in force at 3.7.2000; Sch. 28 para. 6 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 6 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094](#), [art. 3\(b\)](#); Sch. 28 para. 6 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094](#), [art. 4\(g\)](#)

### *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 subparagraph (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 <sup>M689</sup>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.

#### **Commencement Information**

**I228** Sch. 28 para. 7 wholly in force at 3.7.2000; Sch. 28 para. 7 not in force at Royal Assent see s. 425(2); Sch. 28 para. 7 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094](#), [art. 3\(b\)](#); Sch. 28 para. 7 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094](#), [art. 4\(g\)](#)

#### **Marginal Citations**

**M689** 1972 c. 70.

### *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

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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 <sup>M690</sup>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.

#### Commencement Information

**I229** Sch. 28 para. 8 wholly in force at 3.7.2000; Sch. 28 para. 8 not in force at Royal Assent see s. 425(2); Sch. 28 para. 8 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, art. 3(b); Sch. 28 para. 8 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, art. 4(g)

#### Marginal Citations

**M690** 1972 c. 70.

#### *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.

#### Commencement Information

**I230** Sch. 28 para. 9 wholly in force at 3.7.2000; Sch. 28 para. 9 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 9 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, art. 3(b); Sch. 28 para. 9 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, art. 4(g)

#### *Meetings and proceedings*

- 10 (1) Paragraph 1 of Schedule 12 to the <sup>M691</sup>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 <sup>M692</sup>Local Government Act 1985.

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#### Commencement Information

**I231** Sch. 28 para. 10 wholly in force at 3.7.2000; Sch. 28 para. 10 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 10 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 10 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

#### Marginal Citations

**M691** 1972 c. 70.

**M692** 1985 c. 51.

#### *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.

#### Commencement Information

**I232** Sch. 28 para. 11 wholly in force at 3.7.2000; Sch. 28 para. 11 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 11 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 11 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

#### *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.

#### Commencement Information

**I233** Sch. 28 para. 12 wholly in force at 3.7.2000; Sch. 28 para. 12 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 12 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 12 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

#### *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.

#### Commencement Information

**I234** Sch. 28 para. 13 wholly in force at 3.7.2000; Sch. 28 para. 13 not in force at Royal Assent see s. 425(2); Sch. 28 para. 13 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 13 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)



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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 <sup>M693</sup>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”.

###### **Marginal Citations**

**M693** 1954 c. 56.

##### THE LOCAL GOVERNMENT (RECORDS) ACT 1962

###### *Acquisition and deposit of records*

- 2 In section 2 of the <sup>M694</sup>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, ”.

###### **Marginal Citations**

**M694** 1962 c. 56.

###### *Local authority*

- 3 In section 8(1) of the <sup>M695</sup>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, ”.

###### **Marginal Citations**

**M695** 1962 c. 56.

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## THE LONDON GOVERNMENT ACT 1963 <sup>M696</sup>

### Marginal Citations

<sup>M696</sup> 1963 c. 33.

### *Delegation of functions in Greater London*

- 4 In section 5 of the <sup>M697</sup>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 ”.

### Marginal Citations

<sup>M697</sup> 1963 c. 33.

### *Compensation for injury to, or death of, officers*

- 5 In section 75 of the <sup>M698</sup>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 ”.

### Marginal Citations

<sup>M698</sup> 1963 c. 33.

### *Music and dancing licences*

- 6 In Schedule 12 to the <sup>M699</sup>London Government Act 1963 (licensing of public events) in paragraph 2(1) (which was substituted by section 20 of the <sup>M700</sup>London Local Authorities Act 1996 and requires a copy of an application for the grant etc of a 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 ”.

### Marginal Citations

<sup>M699</sup> 1963 c. 33.

<sup>M700</sup> 1996 c. ix.

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## THE LOCAL GOVERNMENT ACT 1966

### *Grants for expenditure due to ethnic minority population*

- 7 In section 11 of the <sup>M701</sup>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 ”.

#### **Marginal Citations**

[M701 1966 c. 42.](#)

## THE LEASEHOLD REFORM ACT 1967

### *Land required for public purposes*

- 8 In section 28 of the <sup>M702</sup>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 <sup>M703</sup>Local Government Act 1985” there shall be inserted “ , the London Fire and Emergency Planning Authority, ”.

#### **Marginal Citations**

[M702 1967 c. 88.](#)

[M703 1985 c. 51.](#)

### *Exclusion of certain shared ownership leases*

- 9 In Schedule 4A to the <sup>M704</sup>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;”.

#### **Marginal Citations**

[M704 1967 c. 88.](#)

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## THE LOCAL GOVERNMENT GRANTS (SOCIAL NEED) ACT 1969

### *Grants to local authorities etc*

- 10 In section 1 of the <sup>M705</sup>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, ”.

#### **Marginal Citations**

**M705** 1969 c. 2.

## THE POST OFFICE ACT 1969

### *Local authority*

- <sup>F308</sup>11 .....

#### **Textual Amendments**

**F308** Sch. 29 para. 11 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2 (with art. 4(11))

## THE EMPLOYERS’ LIABILITY (COMPULSORY INSURANCE) ACT 1969

### *Exemption*

- 12 In section 3 of the <sup>M706</sup>Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance) in subsection (2)(b) (which specifies certain authorities exempted under subsection (1)(a)) after “a joint authority established by Part IV of the <sup>M707</sup>Local Government Act 1985,” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.

#### **Marginal Citations**

**M706** 1969 c. 57.

**M707** 1985 c. 51.

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## THE PENSIONS (INCREASE) ACT 1971

### *Meaning of local authority*

- 13 In Schedule 3 to the <sup>M708</sup>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;”.

#### **Marginal Citations**

**M708** 1971 c. 56.

## THE LOCAL GOVERNMENT ACT 1972

### *Restriction on promoting Bills for changing local government areas etc*

- 14 In section 70 of the <sup>M709</sup>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.”

#### **Marginal Citations**

**M709** 1972 c. 70.

### *Members’ interests in contracts etc*

- 15 In section 98 of the <sup>M710</sup>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 ”.

#### **Marginal Citations**

**M710** 1972 c. 70.

### *Powers with respect to emergencies and disasters*

- 16 In section 138 of the <sup>M711</sup>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 ”.

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**Marginal Citations**

M711 1972 c. 70.

*Information relating to matters affecting local government*

- 17 In section 142 of the <sup>M712</sup>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.”

**Marginal Citations**

M712 1972 c. 70.

*Allowances for attending conferences and meetings*

- 18 In section 175 of the <sup>M713</sup>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 ”.

**Marginal Citations**

M713 1972 c. 70.

*Payment of expenses for official and courtesy visits etc*

- 19 In section 176 of the <sup>M714</sup>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 ”.

**Marginal Citations**

M714 1972 c. 70.

*Power to prosecute or defend legal proceedings*

- 20 In section 222 of the <sup>M715</sup>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 ”.

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**Marginal Citations**

M715 1972 c. 70.

*General application of Part XI of the 1972 Act*

- 21 In Part XI of the <sup>M716</sup>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.”

**Marginal Citations**

M716 1972 c. 70.

THE EMPLOYMENT AGENCIES ACT 1973

*Exemptions*

- 22 In section 13 of the <sup>M717</sup>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;”

**Marginal Citations**

M717 1973 c. 35.

THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

*Restrictions on disclosure of information*

- 23 In section 28 of the <sup>M718</sup>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” ”.

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**Marginal Citations**

M718 1974 c. 37.

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

*Local authority*

- 24 In section 44(1) of the <sup>M719</sup>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 <sup>M720</sup>Local Government Act 1985” there shall be inserted “ and the London Fire and Emergency Planning Authority ”; and
  - (b) in paragraph (c) after “(waste regulation and disposal authorities),” there shall be inserted “ the London Fire and Emergency Planning Authority ”.

**Marginal Citations**

M719 1976 c. 57.

M720 1985 c. 51.

THE RENT (AGRICULTURE) ACT 1976

*No statutory tenancy in certain cases*

- 25 In section 5 of the <sup>M721</sup>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;”.

**Marginal Citations**

M721 1976 c. 80.

THE RENT ACT 1977

*No protected tenancy in certain cases*

- 26 In section 14 of the <sup>M722</sup>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;”.



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**Marginal Citations**

M722 1977 c. 42.

THE PROTECTION FROM EVICTION ACT 1977

*Excluded tenancies and licences*

- 27 In section 3A of the <sup>M723</sup>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, ”.

**Marginal Citations**

M723 1977 c. 43.

THE LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980

*Duty to publish information*

- 28 In section 2 of the <sup>M724</sup>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;”.

**Marginal Citations**

M724 1980 c. 65.

*Direct labour organisations*

- 29 In section 20(1) of the <sup>M725</sup>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 <sup>M726</sup>Local Government Act 1985” there shall be inserted “ , the London Fire and Emergency Planning Authority ”.

**Marginal Citations**

M725 1980 c. 65.

M726 1985 c. 51.

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### *Disposal of land*

- 30 In section 98 of the <sup>M727</sup>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 <sup>M728</sup>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.”

#### **Marginal Citations**

**M727** 1980 c. 65.

**M728** 1989 c. 42.

### *Directions to dispose of land: supplementary*

- 31 In section 99 of the <sup>M729</sup>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;”.

#### **Marginal Citations**

**M729** 1980 c. 65.

### *Meaning of “subsidiary” in Part X*

- 32 In section 100 of the <sup>M730</sup>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 <sup>M731</sup>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 <sup>M732</sup>Local Government Act 1985” there shall be inserted “ , the London Fire and Emergency Planning Authority ”.

#### **Marginal Citations**

**M730** 1980 c. 65.

**M731** 1989 c. 42.

**M732** 1985 c. 51.

### *Bodies to whom Part X applies*

- 33 In Schedule 16 to the <sup>M733</sup>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.”

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**Marginal Citations**

M733 1980 c. 65.

THE ACQUISITION OF LAND ACT 1981

*Local authority etc land*

- 34 (1) The <sup>M734</sup>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, ”.

**Marginal Citations**

M734 1981 c. 67.

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

*Enforceability of covenants*

- 35 In section 33 of the <sup>M735</sup>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 Body,” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.

**Marginal Citations**

M735 1982 c. 30.

*Lost and uncollected property*

- 36 In section 41 of the <sup>M736</sup>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;”.

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**Marginal Citations**

M736 1982 c. 30.

*Arrangements under the Employment and Training Act 1973*

- 37 In section 45 of the <sup>M737</sup>Local Government (Miscellaneous Provisions) Act 1982 (power of local authority to enter into arrangements with Secretary of State under the <sup>M738</sup>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.”

**Marginal Citations**

M737 1982 c. 30.

M738 1973 c. 50.

THE COUNTY COURTS ACT 1984

*Right of audience*

- 38 In section 60 of the <sup>M739</sup>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 <sup>M740</sup>Local Government Act 1985” there shall be inserted “the London Fire and Emergency Planning Authority, ”.

**Marginal Citations**

M739 1984 c. 28.

M740 1985 c. 51.

THE LOCAL GOVERNMENT ACT 1985 <sup>M741</sup>

**Marginal Citations**

M741 1985 c. 51.

*First appointments*

- 39 In section 30 of the <sup>M742</sup>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.

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**Marginal Citations**

M742 1985 c. 51.

*General fund*

40 (1) The Fire etc Authority shall continue to keep a general fund under and in accordance with section 72 of the <sup>M743</sup>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.”

**Marginal Citations**

M743 1985 c. 51.

*Number of members of joint authorities*

41 In Schedule 10 to the <sup>M744</sup>Local Government Act 1985 (number of members of joint authorities) Part I (which relates to the Fire etc Authority) shall cease to have effect.

**Marginal Citations**

M744 1985 c. 51.

THE HOUSING ACT 1985

*Local authority*

42 In section 4 of the <sup>M745</sup>Housing Act 1985 (other descriptions of authority) in paragraph (e) (local authorities) after the words “a joint authority established by Part IV of the <sup>M746</sup>Local Government Act 1985”, in both places where they occur, there shall be inserted “ and the London Fire and Emergency Planning Authority ”.

**Marginal Citations**

M745 1985 c. 68.

M746 1985 c. 51.

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## THE HOUSING ASSOCIATIONS ACT 1985

### *Local authority*

- 43 In section 106(1) of the <sup>M747</sup>Housing Associations Act 1985 (definitions) in the definition of “local authority” —
- (a) after “a joint authority established by Part IV of the <sup>M748</sup>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 ”.

#### **Marginal Citations**

**M747** 1985 c. 69.

**M748** 1985 c. 51.

## THE LANDLORD AND TENANT ACT 1985

### *Local authority*

- 44 In section 38 of the <sup>M749</sup>Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority” after “a joint authority established by Part IV of the <sup>M750</sup>Local Government Act 1985” there shall be inserted “ and the London Fire and Emergency Planning Authority ”.

#### **Marginal Citations**

**M749** 1985 c. 70.

**M750** 1985 c. 51.

## THE LOCAL GOVERNMENT ACT 1986

### *Local authority publicity*

- 45 In section 6(2) of the <sup>M751</sup>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 <sup>M752</sup>Local Government Act 1985,” there shall be inserted the entry—
- “the London Fire and Emergency Planning Authority,”.

#### **Marginal Citations**

**M751** 1986 c. 10.

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M752 1985 c. 51.

*Transfer of local authority mortgages*

- 46 In section 9(1)(a) of the <sup>M753</sup>Local Government Act 1986 (meaning of “local authority” in Part III) after the entry “a joint authority established by Part IV of the <sup>M754</sup>Local Government Act 1985,” there shall be inserted the entry—  
“the London Fire and Emergency Planning Authority.”

**Marginal Citations**

M753 1986 c. 10.  
M754 1985 c. 51.

THE LOCAL GOVERNMENT FINANCE ACT 1987

*Rates: maximum limit*

- <sup>F309</sup>47 .....

**Textual Amendments**

**F309** Sch. 29 para. 47 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 2

THE LANDLORD AND TENANT ACT 1987

*Exempt landlords etc*

- 48 In section 58(1) of the <sup>M755</sup>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, ”.

**Marginal Citations**

M755 1987 c. 31.

THE LOCAL GOVERNMENT ACT 1988

*Competition*

- 49 In section 1(1) of the <sup>M756</sup>Local Government Act 1988 (which specifies the defined authorities for the purposes of Part I) in paragraph (g), for “London Fire and

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Civil Defence Authority” there shall be substituted “ London Fire and Emergency Planning Authority ”.

**Marginal Citations**

M756 1988 c. 9.

*Public supply or works contracts*

50 In Schedule 2 to the <sup>M757</sup>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.”

**Marginal Citations**

M757 1988 c. 9.

THE LOCAL GOVERNMENT FINANCE ACT 1988

*Financial administration*

51 (1) Section 111 of the <sup>M758</sup>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.

**Marginal Citations**

M758 1988 c. 41.

THE HOUSING ACT 1988

*Transfer of housing accommodation etc*

52 In section 74 of the <sup>M759</sup>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.”



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**Marginal Citations**

M759 1988 c. 50.

*Tenancies which cannot be assured tenancies*

- 53 In Schedule 1 to the <sup>M760</sup>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;”.

**Marginal Citations**

M760 1988 c. 50.

THE ROAD TRAFFIC ACT 1988

*Exception from requirement of third-party insurance etc*

- 54 In section 144(2)(a)(i) of the <sup>M761</sup>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, ”.

**Marginal Citations**

M761 1988 c. 52.

THE LOCAL GOVERNMENT AND HOUSING ACT 1989

*Application of Part I to the Fire etc Authority*

- 55 In section 21(1) of the <sup>M762</sup>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 ”.

**Marginal Citations**

M762 1989 c. 42.

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*Charges by certain authorities*

- 56 In section 152 of the <sup>M763</sup>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.”

**Marginal Citations**

**M763** 1989 c. 42.

THE TOWN AND COUNTRY PLANNING ACT 1990

*Procedure for making of orders*

- 57 In section 252 of the <sup>M764</sup>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 <sup>M765</sup>Local Government Act 1985,” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.

**Marginal Citations**

**M764** 1990 c. 8.

**M765** 1985 c. 51.

*Footpaths and bridleways orders*

- 58 In Schedule 14 to the <sup>M766</sup>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, ”.

**Marginal Citations**

**M766** 1990 c. 8.

THE LOCAL GOVERNMENT (OVERSEAS ASSISTANCE) ACT 1993

*Power to provide advice and assistance*

- 59 In section 1 of the <sup>M767</sup>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;”.

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**Marginal Citations**

M767 1993 c. 25.

THE HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996

*Grants for improvements and repairs*

- 60 In section 3(2) of the <sup>M768</sup>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.”

**Marginal Citations**

M768 1996 c. 53.

THE CHANNEL TUNNEL RAIL LINK ACT 1996

*Highways*

- 61 In Schedule 3 to the <sup>M769</sup>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 <sup>M770</sup>Local Government Act 1985,” there shall be inserted “ the London Fire and Emergency Planning Authority, ”.

**Marginal Citations**

M769 1996 c. 61.

M770 1985 c. 51.

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 <sup>M771</sup>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;”.

**Marginal Citations**

M771 1997 c. 25.

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## THE CRIME AND DISORDER ACT 1998

### *Duty to consider crime and disorder implications*

- 63 In section 17 of the <sup>M772</sup>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, ”.

**Marginal Citations**

[M772 1998 c. 37.](#)

## 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 <sup>M773</sup>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;”.

**Marginal Citations**

[M773 1912 c. civ.](#)

## THE ESSEX COUNTY COUNCIL ACT 1952

### *Precautions against fire in certain buildings in North East London*

- 65 In section 80 of the <sup>M774</sup>Essex County Council Act 1952 (which was substituted by section 6 of the <sup>M775</sup>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 ”.

**Marginal Citations**

[M774 1952 c. 1.](#)

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M775 1958 c. xxiv.

## 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 <sup>M776</sup>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”.

#### **Marginal Citations**

M776 1977 c. xi.

## THE LONDON LOCAL AUTHORITIES ACT 1990

### *Night cafe licensing*

- 67 In section 4 of the <sup>M777</sup>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”.

#### **Marginal Citations**

M777 1990 c. vii.

## THE LONDON LOCAL AUTHORITIES ACT 1991

### *Special treatment premises*

- 68 In the following provisions of Part II of the <sup>M778</sup>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”.

#### **Marginal Citations**

M778 1991 c. xiii.

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## THE LONDON LOCAL AUTHORITIES ACT 1995

### *The fire authority*

- 69 (1) The <sup>M779</sup>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.

#### **Marginal Citations**

**M779** 1995 c. x.

## THE LONDON LOCAL AUTHORITIES ACT 1996

### *Private places of entertainment*

- 70 In section 21 of the <sup>M780</sup>London Local Authorities Act 1996 (which applies section 3 of the <sup>M781</sup>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 ”.

#### **Marginal Citations**

**M780** 1996 c. ix.

**M781** 1967 c. 19.

### *Theatres*

- 71 In section 22 of the <sup>M782</sup>London Local Authorities Act 1996 (which applies Schedule 1 to the <sup>M783</sup>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 ”.

#### **Marginal Citations**

**M782** 1996 c. ix.

*Status:* Point in time view as at 05/02/2005. This version of this Act contains provisions that are not valid for this point in time.

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M783 1968 c. 54.

## 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.
- (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*

PROSPECTIVE

- 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.

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#### *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.

#### *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.



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*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;

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- (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.
- (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.

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- (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;
  - (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

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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 <sup>M784</sup>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.

#### Commencement Information

**I235** [Sch. 32 para. 1](#): by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### Marginal Citations

**M784** 1993 c. 48.

VALID FROM 06/04/2006

#### *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—
- (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 <sup>M785</sup>Income and Corporation Taxes Act 1988 (retirement benefit schemes); and
- (b) Part III of the <sup>M786</sup>Pension Schemes Act 1993, so far as relating to occupational pension schemes.

#### Commencement Information

**I236** [Sch. 32 para. 2](#): by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

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#### Marginal Citations

M785 1988 c. 1.

M786 1993 c. 48.

#### *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 [<sup>F310</sup>prescribed LRT pension 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.
- (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,

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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 <sup>M787</sup>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.

#### Textual Amendments

**F310** Words in [Sch. 32 para. 3\(3\)\(b\)](#) substituted (27.5.2000) by [S.I. 2000/1435, art. 2, Sch. Pt. I para. 11](#)

#### Commencement Information

**I237** [Sch. 32 para. 3](#): by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### Marginal Citations

**M787** 1996 c. 18.

#### *Power to dispense with consent of trustees*

4 If the Secretary of State makes provision under this Act for or in connection with—

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- (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
- (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.

#### Commencement Information

**I238** Sch. 32 para. 4: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

#### *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 <sup>M788</sup>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 <sup>M789</sup>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.

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#### Commencement Information

**I239** [Sch. 32 para. 5](#): by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any powers of a Minister of the Crown to make regulations or an order

#### Marginal Citations

**M788** 1985 c. 6.

**M789** 1969 c. 35.

PROSPECTIVE

#### *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.



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### *Chargeable gains: general*

- 2 (1) For the purposes of the <sup>M790</sup>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.

#### **Marginal Citations**

**M790** 1992 c. 12.

### *Group transactions*

- 3 (1) For the purposes of section 179 of the <sup>M791</sup>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—
- (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 <sup>M792</sup>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,

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- (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 <sup>M793</sup>Taxation of Chargeable Gains Act 1992 have the same meaning in this paragraph as in that section.

#### Marginal Citations

M791 1992 c. 12.

M792 1992 c. 12.

M793 1992 c. 12.

#### *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 [<sup>F311</sup>the Capital Allowances Act 2001] 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—
    - (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.

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Greater London Authority Act 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (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 subparagraph (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 subparagraph (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) [F312section 266 of the Capital Allowances Act 2001 (election where predecessor and successor are connected persons)],
- shall have effect by virtue of a qualifying transfer in relation to which this paragraph applies.
- [F313(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 Act 2001 not to give rise to—
- (a) any writing-down allowances, balancing allowances or balancing charges under Chapter 5 of Part 2 of that Act (plant and machinery allowances and charges),
  - (b) any disposal value being treated as received for the purposes of that Chapter,
  - (c) any qualifying expenditure being treated as incurred for the purposes of that Chapter, or
  - (d) any writing-down allowances, balancing allowances or balancing charges under Part 3 of that Act (industrial buildings allowances).
- (10) In this paragraph and paragraph 10 below “the Capital Allowances Act 2001” includes, where the context admits, enactments which under the Taxes Act 1988 are to be treated as contained in the Capital Allowances Act 2001.]

#### Textual Amendments

**F311** Words in [Sch. 33 para. 4\(3\)](#) substituted (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by 2001 c. 2, s. 578, [Sch. 2 para. 105\(1\)](#)

**F312** Words in [Sch. 33 para. 4\(8\)\(a\)](#) substituted (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by 2001 c. 2, s. 578, [Sch. 2 para. 105\(2\)](#)

**F313** [Sch. 33 para. 4\(9\)\(10\)](#) substituted for [Sch. 33 para. 4\(9\)](#) (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by 2001 c. 2, s. 578, [Sch. 2 para. 105\(3\)](#)

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### *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 <sup>M794</sup>London Regional Transport Act 1984;
- “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—

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- (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.

**Marginal Citations**

M794 1984 c. 32.

*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 <sup>M795</sup>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.

**Marginal Citations**

M795 1992 c. 12.

*Chargeable gains: company leaving the LRT group*

- 9 (1) For the purposes of section 179 of the <sup>M796</sup>Taxation of Chargeable Gains Act 1992 (company ceasing to be a member of a group) where, by virtue of a transfer of shares

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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—

- (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 <sup>M797</sup>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 <sup>M798</sup>Taxation of Chargeable Gains Act 1992 have the same meaning in this paragraph as in that section.

#### Marginal Citations

M796 1992 c. 12.

M797 1992 c. 12.

M798 1992 c. 12.

#### *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

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- (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,
- 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 [<sup>F314</sup>the Capital Allowances Act 2001] 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;

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- (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.
- (9) Neither section 343 of the Taxes Act 1988 (company reconstructions without change of ownership) nor [<sup>F315</sup>section 266 of the Capital Allowances Act 2001 (election where predecessor and successor are connected persons)] shall have effect by virtue of a relevant transfer in relation to which this paragraph applies.
- [<sup>F316</sup>(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 Act 2001 not to give rise to—
- (a) any writing-down allowances, balancing allowances or balancing charges under Chapter 5 of Part 2 of that Act (plant and machinery allowances and charges),
  - (b) any disposal value being treated as received for the purposes of that Chapter,
  - (c) any qualifying expenditure being treated as incurred for the purposes of that Chapter, or
  - (d) any writing-down allowances, balancing allowances or balancing charges under Part 3 of that Act (industrial buildings allowances).]

#### Textual Amendments

- F314** Words in [Sch. 33 para. 10\(3\)](#) substituted (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 578, Sch. 2 para. 105\(4\)](#)
- F315** Words in [Sch. 33 para. 10\(9\)](#) substituted (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 578, Sch. 2 para. 105\(5\)](#)
- F316** [Sch. 33 para. 10\(10\)](#) substituted (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 578, Sch. 2 para. 105\(6\)](#)

#### *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 [<sup>F317</sup>Part 3 of the Capital Allowances Act 2001]; or
  - (b) land which, in relation to any fixture, within the meaning of [<sup>F318</sup>Chapter 14 of Part 2] of that Act, is the relevant land for the purposes of that Chapter.



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- (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 [F319Part 3 of the Capital Allowances Act 2001] 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 [F320Chapter 14 of Part 2 of the Capital Allowances Act 2001] an interest in land (within the meaning of that Chapter) by virtue of paragraph (c) or (d), as the case may be, of [F321section 175(1)] 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
  - (b) any reference to a grant, or to a lease or easement, shall be construed accordingly.
- (6) In this paragraph “lease” includes underlease.

#### Textual Amendments

**F317** Words in *Sch. 33 para. 11(2)(a)* substituted (22.3.2001 with effect as mentioned in *s. 579(1)* of the amending Act) by 2001 c. 2, s. 578, **Sch. 2 para. 105(7)(a)**

**F318** Words in *Sch. 33 para. 11(2)(b)* substituted (22.3.2001 with effect as mentioned in *s. 579(1)* of the amending Act) by 2001 c. 2, s. 578, **Sch. 2 para. 105(7)(b)**

**F319** Words in *Sch. 33 para. 11(4)(a)* substituted (22.3.2001 with effect as mentioned in *s. 579(1)* of the amending Act) by 2001 c. 2, s. 578, **Sch. 2 para. 105(8)(a)**

**F320** Words in *Sch. 33 para. 11(4)(b)* substituted (22.3.2001 with effect as mentioned in *s. 579(1)* of the amending Act) by 2001 c. 2, s. 578, **Sch. 2 para. 105(8)(b)**

**F321** Words in *Sch. 33 para. 11(4)(b)* substituted (22.3.2001 with effect as mentioned in *s. 579(1)* of the amending Act) by 2001 c. 2, s. 578, **Sch. 2 para. 105(8)(c)**

#### *Machinery and plant*

- 12 (1) Nothing in—
- <sup>F322</sup>(a) .....
  - (b) [F323section 176(2) or (3)] of that Act, or
  - (c) [F324sections 67 and 68.] 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.

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- (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 <sup>F325</sup>Part 2 of the Capital Allowances Act 2001] 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 [<sup>F326</sup>item 7 in the Table in section 61(2)] of that Act.

#### Textual Amendments

**F322** Words in Sch. 33 para. 12(1)(a) repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, ss. 578, 580, Sch. 2 para. 105(9)(a), Sch. 4

**F323** Words in Sch. 33 para. 12(1)(b) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 578, Sch. 2 para. 105(9)(b)

**F324** Words in Sch. 33 para. 12(1)(c) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 578, Sch. 2 para. 105(9)(c)

**F325** Words in Sch. 33 para. 12(2) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 578, Sch. 2 para. 105(10)(a)

**F326** Words in Sch. 33 para. 12(2) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 578, Sch. 2 para. 105(10)(b)

#### *Sale and leaseback*

- 13 (1) Neither section 779 (limitation on tax reliefs) nor section 782 (leased assets: special cases) of the <sup>M799</sup>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.

#### Marginal Citations

**M799** 1988 c. 1.

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## SCHEDULE 34

Section 423.

### ENACTMENTS REPEALED

#### PART I

#### FINANCIAL PROVISIONS

##### Commencement Information

**I240** Sch. 34 Pt. I partly in force; Sch. 34 Pt. I not in force at Royal Assent see s. 425(2); Sch. 34 Pt. I in force at 12.1.2000 for certain repeals by S.I. 1999/3434, art. 2, Sch. 2 Table 1; Sch. 34 Pt. I in force at 3.7.2000 for certain repeals by S.I. 1999/3434, art. 4, Sch. 2 Table 2

Chapter	Short title	Extent of repeal
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 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).

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1992 c. 14.	The Local Government Finance Act 1992.	Section 157(6)(f). 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 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

#### Commencement Information

**I241** Sch. 34 Pt. II partly in force; Sch. 34 Pt. II not in force at Royal Assent see s. 425(2); Sch. 34 Pt. II in force for specified purposes at 3.7.2000 by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

**I242** Sch. 34 Pt. 2 in force at 15.7.2003 for specified purposes by [S.I. 2003/1920](#), [art. 2\(h\)](#)

Chapter	Short title	Extent of repeal
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.

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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

Chapter	Short title	Extent of repeal
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 from “and to such person” onwards and subsection (9).

### PART IV

#### THE TRANSPORT USERS’ COMMITTEE

Chapter	Short title	Extent of repeal
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

#### Commencement Information

**I243** Sch. 34 Pt. V partly in force; Sch. 34 Pt. V not in force at Royal Assent see s. 425(2); Sch. 34 Pt. V in force for specified purposes at 3.7.2000 by S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

Chapter	Short title	Extent of repeal
32 & 33 Vict. c.115.	The Metropolitan Public Carriage Act 1869.	In section 7, the words “by the said Secretary of State”.

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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.

## PART VI

### HIGHWAYS AND TRAFFIC CONTROL

Chapter	Short title	Extent of repeal
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”.

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		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).  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.

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In section 73(2), the words  
“and section 74 of this Act”.

Section 80.

Schedule 5.

## PART VII

### THE METROPOLITAN POLICE

#### Commencement Information

**I244** Sch. 34 Pt. VII partly in force; Sch. 34 Pt. VII not in force at Royal Assent see s. 425(2); Sch. 34 Pt. VII in force for specified purposes at 1.4.2000 by S.I. 1999/3271, art. 4(d); Sch. 34 Pt. VII in force for specified purposes at 3.7.2000 by S.I. 2000/1648, art. 2, Sch.

Chapter	Short title	Extent of repeal
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.
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”.



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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. xcvi.	The London Building Acts (Amendment) Act 1939.	Section 151(1)(bb).
11 & 12 Geo. 6 c. 26.	The Local Government Act 1948.	Section 121.
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

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		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 “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”.

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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 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

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		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 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,”.

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		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

Chapter	Short title	Extent of repeal
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”.
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).

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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

#### Commencement Information

**I245** [Sch. 34 Pt. IX](#) partly in force; [Sch. 34 Pt. IX](#) not in force at Royal Assent see [s. 425\(2\)](#); [Sch. 34 Pt. IX](#) in force for specified purposes at 3.7.2000 by [S.I. 2000/801](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

Chapter	Short title	Extent of repeal
7 & 8 Vict. c. 60.	The Trafalgar Square Act 1844.	In section 2, the words from “by and out of such Monies” to “by Authority of Parliament”.
1974 c. 7.	The Local Government Act 1974.	In section 25(1), the word “and” at the end of paragraph (cb).
1985 c. 51.	The Local Government Act 1985.	In section 88, in subsection (1), the words “Greater London or” and subsection (12)(a).
1990 c. 8.	The Town and Country Planning Act 1990.	Section 3.
1994 c. 40.	The Deregulation and Contracting Out Act 1994.	In section 70(1)(b), the word “or” where first occurring.

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