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## SCHEDULES

### SCHEDULE 1

Section 17(1)

#### OFFENCES IN RESPECT OF WHICH FIXED PENALTY NOTICES MAY BE SERVED UNDER SECTION 17 (FIXED PENALTY CAB AND PRIVATE HIRE VEHICLE OFFENCES) OF THIS ACT

(1) Act/Instrument	(2) Enactment	(3) Description of offence
London Hackney Carriages Act 1843 (c. 86)	Section 17	Failure to wear, or to produce, badge.
London Cab Order 1934 (SR&O/1346)	Article 28	Failure to produce copy of licence.
	Article 31(1)(ii)	Plying outside licensed area.
	Article 33(1)	Carrying excess passengers.
Regulations for Enforcing Order at Cab Standings in the Metropolitan Police District made on 11th October 1963	Regulation (1)	Failure to attend cab at cab standing.

### SCHEDULE 2

Section 17(3)

#### FINANCIAL PROVISIONS RELATING TO SECTIONS 17 TO 21 (FIXED PENALTIES) OF THIS ACT

- 1 TfL shall keep accounts of its income and expenditure in respect of the administration and enforcement of sections 17 to 21 (fixed penalties) of this Act in relation to each of the enactments listed in Schedule 1 to this Act, and (except where otherwise provided) the following provisions of this Schedule shall have effect with respect to each of those accounts.
- 2
  - (1) At the end of each financial year any deficit in the account shall be made good out of the financial reserves for which provision is made under section 85(4)(c) of the 1999 Act in calculating TfL's component budget for the financial year in question.
  - (2) Subject to sub-paragraph (3), at the end of each financial year any surplus shall be applied for all or any of the purposes specified in sub-paragraph (4), and insofar as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.
  - (3) Any amount not applied by TfL in any financial year may, if TfL so determines, be carried forward in the account kept under paragraph 1 to the next financial year.
  - (4) The purposes referred to in sub-paragraph (2) are—

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- (a) the making good to the financial reserves for which provision is made under section 85(4)(c) of the 1999 Act in calculating TfL's component budget for the financial year in question of any amount charged to that fund under sub-paragraph (1) in the four years immediately preceding the financial year in question;
  - (b) meeting costs incurred, whether by TfL or by some other person, in the provision of persons to attend at taxi standings;
  - (c) meeting costs incurred by TfL in the provision of publicity and education materials promoting the use of licensed hackney carriages and private hire vehicles;
  - (d) meeting costs incurred, whether by TfL or by some other person, in the provision, regulation or operation of, or of facilities for, licensed hackney carriages and private hire vehicles in London;
  - (e) meeting all or any part of the cost of the doing by TfL of anything—
    - (i) which facilitates the implementation of the London transport strategy; and
    - (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; and
  - (f) making to any local authority contributions towards the cost of the doing by that authority of anything towards the doing of which TfL has power—
    - (i) to apply any surplus on the account required to be kept under paragraph 1; or
    - (ii) to incur expenditure required to be brought into that account.
- (5) In sub-paragraph (4) “the London transport strategy” means the transport strategy prepared and published under section 142 (the Mayor's transport strategy) of the 1999 Act.

### SCHEDULE 3

Section 49(10)

#### MEANING OF ASSOCIATED UNDERTAKING

- 1 For the purposes of section 49 (power to make arrangements for risk mitigation) of this Act an “associated undertaking” of TfL means an undertaking in which TfL has a participating interest and over whose operating and financial policy it exercises a significant influence, and which is not—
  - (a) a subsidiary undertaking of TfL (within the meaning of section 1162 of the Companies Act 2006 (c. 46)), or
  - (b) a joint venture.
- 2 Where TfL holds 20 per cent or more of the voting rights in another undertaking, it shall be presumed to exercise such an influence over it unless the contrary is shown.
- 3 The voting rights in an undertaking means the rights conferred on shareholders in respect of their shares or, in the case of an undertaking not having a share capital, on members, to vote at general meetings of the undertaking on all, or substantially all, matters.
- 4 The provisions of paragraphs 5 to 11 of Schedule 7 to the Companies Act 2006 (c. 46) (rights to be taken into account and attribution of rights) apply in determining

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- for the purposes of this Schedule whether TfL holds 20 per cent or more of the voting rights in another undertaking.
- 5 In this Schedule a “participating interest” means an interest held by TfL in the shares of another undertaking which it holds on a long-term basis for the purpose of securing a contribution to its activities by the exercise of control or influence arising from or related to that interest.
- 6 A holding of 20 per cent or more of the shares of an undertaking shall be presumed to be a participating interest unless the contrary is shown.
- 7 The reference in paragraph 5 to an interest in shares includes—  
    (a) an interest which is convertible into an interest in shares, and  
    (b) an option to acquire shares or any such interest;  
and an interest or option falls within paragraph (a) or (b) notwithstanding that the shares to which it relates are, until the conversion or the exercise of the option, unissued.
- 8 For the purposes of this Schedule an interest held on behalf of TfL shall be treated as held by it.