



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IV

#### TRANSPORT

### CHAPTER VI

#### RAILWAYS

#### *The Authority and the Franchising Director*

#### **196 Power of Authority to give instructions or guidance to the Franchising Director.**

- (1) The Authority may give instructions or guidance to the Franchising Director in relation to the provision of railway services in Greater London.
- (2) It is immaterial for the purpose of giving instructions or guidance under subsection (1) above whether implementation of the instructions or guidance affects railway services outside Greater London.
- (3) The Franchising Director shall exercise his functions in the manner best calculated to implement any instructions or guidance given to him by the Authority.
- (4) Subsection (3) above is subject to subsection (5) below.
- (5) The Franchising Director shall not give effect to any instructions or guidance given by the Authority if or to the extent that, in his opinion, implementing the instructions or guidance will—
  - (a) prevent or seriously hinder him from complying with any instructions, guidance or objectives given to him by the Secretary of State under section 5(1) of the <sup>M1</sup>Railways Act 1993;
  - (b) have an adverse effect on the provision of services for the carriage of passengers by railway outside Greater London; or

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- (c) increase the amount of any payments to which paragraph (b) of section 5(1) of the <sup>M2</sup>Railways Act 1993 applies which he may be required to make.
- (6) If the Franchising Director decides not to implement any instructions or guidance given by the Authority, whether generally or in a particular case, he shall give the Authority notification of the decision and his reasons for it.
- (7) The matters in respect of which instructions or guidance may be given under this section are those specified in sub-paragraphs (i) and (ii) of section 5(1)(a) of the <sup>M3</sup>Railways Act 1993.
- (8) Any functions conferred or imposed on the Authority by this section shall be exercisable by the Mayor acting on behalf of the Authority.
- (9) In this section the Franchising Director means the Director of Passenger Rail Franchising.

#### Marginal Citations

- M1** 1993 c. 43.
- M2** 1993 c. 43.
- M3** 1993 c. 43.

### 197 Franchising Director to consult Mayor as to fares, services etc.

- (1) The Franchising Director 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 Franchising Director 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).

*Licences, access contracts and franchising*

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

- (1) The <sup>M4</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—

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“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>M5</sup>Interpretation Act 1978.

#### Marginal Citations

M4 S.I. 1994/573.

M5 1978 c. 30.

### 199 Licence exemptions and facility exemptions.

- (1) The Secretary of State may, after consultation with the Rail Regulator and the Franchising Director, by order grant at any time—
- a licence exemption under subsection (1) of section 7 of the <sup>M6</sup>Railways Act 1993, notwithstanding anything in subsection (10) of that section, or
  - a facility exemption under section 20 of that Act, notwithstanding anything in subsection (9) of that section,
- 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.
- (4) In this section—
- the appropriate London transport authority means—
- as respects any time before the transfer date, London Regional Transport; and
  - 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>M7</sup>Railways Act 1993 have the same meaning in this section as in that Part.

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#### Commencement Information

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

#### Marginal Citations

**M6** 1993 c. 43.

**M7** 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>M8</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 Rail Regulator and pursuant to directions given by the Rail Regulator under that section; and
  - (b) that the terms of the contract may confer on the Rail Regulator 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 Rail Regulator under section 18 of the <sup>M9</sup>Railways Act 1993.
- (3) After section 41 of the <sup>M10</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>M11</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 Rail Regulator and pursuant to directions given by the Rail Regulator under that section; and
  - (b) that the terms of the contract may confer on the Rail Regulator 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 Rail Regulator under section 18 of the <sup>M12</sup>Railways Act 1993.”
- (4) In section 4 of the <sup>M13</sup>Railways Act 1993 (general duties of the Secretary of State and the Rail Regulator) in subsection (5) (which imposes additional duties on the Rail

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Regulator) 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”.

#### Marginal Citations

- M8** 1993 c. 43.  
**M9** 1993 c. 43.  
**M10** 1984 c. 32.  
**M11** 1993 c. 43.  
**M12** 1993 c. 43.  
**M13** 1993 c. 43.

## 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—
- is one which involves the holding of a passenger licence; and
  - 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>M14</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—
- an agreement with respect to the provision or retention, or financing, of regular scheduled railway passenger services operated by a London transport body;
  - 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);
  - an agreement with the Franchising Director; or
  - 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—
- London Regional Transport;
  - Transport for London; or
  - 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>M15</sup>Railways Act 1993 have the same meaning in this section as in that Part.

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#### Marginal Citations

M14 1993 c. 43.

M15 1993 c. 43.

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

- (1) Section 25(1) of the <sup>M16</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.
  - (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

M16 1993 c. 43.

### Closures

### 203 Franchising Director to give copy documents to Mayor.

In section 43(1) of the <sup>M17</sup>Railways Act 1993 (which requires the Franchising Director 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,”.

#### Marginal Citations

M17 1993 c. 43.

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

- (1) The <sup>M18</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>M19</sup>Railways Act 1993 shall be amended as follows.
  - (3) After paragraph 5 there shall be inserted—

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## “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
    - (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

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(b) in such other manner as appears to him appropriate.”

**Marginal Citations**

**M18** 1993 c. 43.

**M19** 1993 c. 43.

*Miscellaneous*

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

- (1) Any franchise agreement entered into under Part I of the <sup>M20</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**

**M20** 1993 c. 43.

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

- (1) Section 130 of the <sup>M21</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**

**M21** 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.



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- (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.
- (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) any duties of staff employed at a place from which the operation of the whole or part of a station is controlled (whether or not the operation of trains is also controlled from that place);
    - (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;

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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>M22</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, 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.

#### Commencement Information

**I2** [S.207](#) partly in force: s.207 in force at Royal Assent (11.11.1999) for certain purposes, see [s.425\(2\)](#)

#### Marginal Citations

**M22** [1992 c. 42.](#)

### *Docklands Light Railway and Croydon Tramlink*

#### **208 Docklands Light Railway.**

- (1) Section 3 of the <sup>M23</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—

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- “(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.
- (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>M24</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

M23 1993 c. viii.

M24 1993 c. viii.

## 209 The Croydon Tramlink.

- (1) The <sup>M25</sup>Croydon Tramlink Act 1994 shall be amended in accordance with subsections (2) to (9) 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—

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- “(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.
- (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>M26</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.

#### Marginal Citations

M25 1994 c. xi.

M26 1994 c. xi.

**Status:**

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**Changes to legislation:**

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