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STATUTORY INSTRUMENTS

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**2000 No. 1552**

**LONDON GOVERNMENT**

**The GLA Roads and Side Roads  
(Transfer of Property etc.) Order 2000**

<i>Made</i>	- - - -	<i>12th June 2000</i>
<i>Laid before Parliament</i>		<i>12th June 2000</i>
<i>Coming into force</i>	- -	<i>3rd July 2000</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 405(2), 406, 408(1) and (7) and 420(1) of the Greater London Authority Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the GLA Roads and Side Roads (Transfer of Property etc.) Order 2000 and shall come into force on 3rd July 2000.

(2) In this Order—

“the designation date” means 22nd May 2000;

“the former highway authority”, in relation to a GLA road which is a trunk road, means the Secretary of State, and in relation to any other GLA road means the relevant authority;

“GLA road” means a highway designated as a GLA road under section 14A of the Highways Act 1980(2);

“GLA side road” means a road which is a GLA side road (within the meaning of section 124A of the Road Traffic Regulation Act 1984(3)) by virtue of an order of the Secretary of State under subsection (1) of that section;

“land” includes land covered by water, and any interest or right in, over or under land;

“maintenance” includes repair;

“the operative date” means 3rd July 2000;

“property” includes property, rights and powers of every description; and

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(1) 1999 c. 29.

(2) 1980 c. 66. Section 14A is inserted by section 260 of the Greater London Authority Act 1999. S.I.2000/1117 has been made under this section.

(3) 1984 c. 27; section 124A is inserted by section 272 of the Greater London Authority Act 1999.

“the relevant authority” in relation to a road means the council of the London borough in which the road is situated or, where the road is in the City of London, the Common Council.

### **Property etc. transferred in relation to GLA roads**

2.—(1) Subject to paragraph (2) and article 4 below, on the operative date there are hereby transferred to Transport for London in relation to each GLA road—

- (a) the highway, in so far as it is vested in the former highway authority;
- (b) the property mentioned in paragraph (3) in so far as, on the designation date, it was vested—
  - (i) in the former highway authority for the purposes of their highway functions in relation to the GLA road, or
  - (ii) in the former highway authority for the purposes of functions in relation to the GLA road under sections 6 (traffic regulation), 9 (experimental traffic orders), 23 and 24 (pedestrian crossings) and 85 (speed restriction signs) of the Road Traffic Regulation Act 1984(4);
- (c) all liabilities incurred by a former highway authority for the purposes of their functions in relation to the GLA road and not discharged before the operative date, other than loans and loan charges.

(2) There is not transferred by virtue of this article—

- (a) any right or liability of a relevant authority in respect of—
  - (i) work done, services rendered, goods delivered, or money due for payment, before the operative date;
  - (ii) damages or compensation for any act or omission before that date;
  - (iii) the price of, or compensation for, any land purchased, or for which a contract to purchase has been concluded, before that date; or
- (b) any copyright held by the Crown.

(3) The property referred to in paragraph (1)(b) 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) where the former highway authority is a relevant authority, held by that authority for the improvement or development of frontages to the highway, or of land adjoining or adjacent to the highway; and
- (b) all other property held in connection with the GLA road (including the unexpended balances of any grants paid by the Secretary of State to any relevant authority for the purposes of their functions in relation to the highway) other than materials to be used for the maintenance or improvement of the highway, and the unexpended balances of any loans raised by the former highway authority, or by any relevant authority for the purposes of its functions in relation to the highway.

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(4) 1984 c. 27. Section 6 is amended by paragraph 21 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), and section 9 by paragraph 23 of that Schedule. Section 9 is also amended by paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and paragraph 4(4) of Schedule 5 to the Local Government Act 1985 (c. 42). Section 23 is amended by paragraph 35 of Schedule 8 to the New Roads and Street Works Act 1991, and section 24 by paragraph 46, and section 85 by paragraph 62, of that Schedule.

### **Property transferred in relation to GLA side roads**

3. On the operative date there are hereby transferred to Transport for London in relation to each GLA side road—

- (a) all traffic signs erected for the purposes of a GLA road; and
- (b) all street furniture and other property of a relevant authority held for the purposes of traffic regulation on a GLA road.

### **Supplementary and alternative agreements**

4.—(1) Where a relevant authority and the Secretary of State so agree, any property or liability described in the agreement which would, but for this paragraph, transfer to Transport for London by virtue of article 2 or 3 above, shall not so transfer.

(2) A relevant authority and the Secretary of State may agree, on such terms as they think fit, that any property or liabilities (except loans and loan charges) acquired or incurred by the relevant authority for the purposes of their functions in relation to a GLA road, other than property or liabilities which transfer to Transport for London by virtue of article 2 or 3 above, shall be transferred to Transport for London.

(3) A former highway authority and Transport for London may agree that any property or liabilities transferred to Transport for London by virtue of article 2 of 3 above shall be re-transferred to the former highway authority.

### **Terms of vesting of property**

5. Any property transferred to Transport for London by or under articles 2 to 4 above hereby vests in, and shall be held by, Transport for London, 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—

- (a) referred to in article 2(2), or
- (b) excluded from transfer under article 4(1) or re-transferred under article 4(3).

### **Transitional matters**

6.—(1) Subsections (3) to (5) of section 415 of the 1999 Act apply in relation to the transfer of any property or liability re-transferred by Transport for London in pursuance of article 4(3) above as they apply to the transfer of that property or liability to Transport for London by or under this Order; but do not apply in relation to the transfer of any liability incurred under an agreement under article 4(1) above.

(2) This paragraph applies where—

- (a) rights and liabilities under a contract of a relevant authority have been transferred to Transport for London by or under this Order, and
- (b) the contract provides for the execution of works or the rendering of services by a person other than the relevant authority in connection with the construction, maintenance or improvement of, or other dealing with, the road with which the contract is concerned.

(3) Where paragraph (2) applies,

- (a) if the works or services have been completed before the operative date but the price or payment, or any part of such price or payment, has not accrued due before that date, Transport for London may recover from the relevant authority that price or payment or part;
- (b) if the works or services have not been completed before the operative date—

- (i) the value of any works executed, or services rendered, before that date shall be ascertained, regard being had to the terms of the contract, and
- (ii) Transport for London may recover from the relevant authority the amount of that value less any sum paid by the authority in pursuance of the contract; and, if the authority have so paid a sum greater than the amount of that value, Transport for London shall repay the excess to the authority.

**Production of documents etc.**

7. The former highway authority shall produce to Transport for London such documents relating to their functions, property and liabilities in respect of a GLA road or any other property or any liability transferred by or under this Order, and provide Transport for London with such other information relating to those matters, as Transport for London may reasonably require.

**Disputes**

8. Any dispute between Transport for London and any person as to—
- (a) the property or liabilities transferred (or excepted from transfer) by or under articles 2 to 4 above, or
  - (b) any sums payable under article 6 above

shall be determined by arbitration.

**Agreements affecting Transport for London**

9.—(1) An agreement described in paragraph (2) shall have effect as if it were an agreement to which Transport for London were a party.

- (2) An agreement mentioned in paragraph (1) is an agreement in writing—
- (a) entered into before the operative date between the Secretary of State (acting on behalf of Transport for London) and the council of a London borough or the Common Council;
  - (b) entitled “Agency Agreement in respect of GLA roads in the area comprising . . .” and naming the area or areas concerned; and
  - (c) made for the purposes of the carrying out of services for Transport for London by the council concerned.

Signed by authority of the Secretary of State

*Keith Hill*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

12th June 2000

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

By virtue of the GLA Roads Designation Order 2000, and of 32 separate orders in relation to GLA side roads in each London borough (except the London borough of Harrow) and the City of London, certain roads within Greater London on 3rd July 2000 become GLA roads for which Transport for London is the highway and traffic authority, or GLA side roads for which Transport for London is the traffic authority.

Article 2 of this Order makes provision for the transfer to Transport for London on that date of property, rights and liabilities held by the Secretary of State or the council of a London borough or the Common Council of the City of London (the former highway authorities) in relation to GLA roads. Article 3 transfers to Transport for London certain property of local highway authorities held in relation to GLA side roads.

Article 4 enables—

- (a) the Secretary of State and the council of a London borough or the Common Council to agree that different arrangements are to apply, and
- (b) former highways authorities to agree with Transport for London for the re-transfer of property etc. transferred by the order.

Article 5 provides for the vesting of property, and article 6 for certain transitional matters, supplementary to the provision made by section 415 (continuity) of the Greater London Authority Act 1999. Article 7 provides for the production of documents, and article 8 for the resolution of disputes.

Article 9 gives effect to agreements which—

- (a) concern services to be carried out by a London local highway authority on behalf of Transport for London, and
- (b) are made between the Secretary of State and the authority concerned

as if Transport for London had been a party.