



Greater London Authority Act 1999

1999 CHAPTER 29

PART IV

TRANSPORT

CHAPTER VI

RAILWAYS

[^{F1} The Authority and the Strategic Rail Authority

Textual Amendments

- F1** 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)**)

^{F2}196 Power of Authority to give directions and guidance to Strategic Rail Authority.

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Textual Amendments

- F2** S. 196 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2006/2911, art. 2, **Sch.**

^{F4}197 [^{F3}Strategic Rail Authority] to consult Mayor as to fares, services etc.

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Status: Point in time view as at 01/04/2015.

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Textual Amendments

- F3** 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)**)
- F4** S. 197 repealed (24.7.2005) by **Railways Act 2005** (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2005/1909, art. 2, Sch.

Licences, access contracts and franchising

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

- (1) The ^{M1}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 ^{M2}Interpretation Act 1978.

Marginal Citations

- M1** S.I. 1994/573.
- M2** 1978 c. 30.

199 Licence exemptions and facility exemptions.

- (1) The Secretary of State may, after consultation with the [^{F5}Office of Rail Regulation]^{F6}..., by order grant at any time—
- (a) a licence exemption under subsection (1) of section 7 of the ^{M3}Railways Act 1993, ^{F7}... , or
- (b) a facility exemption under section 20 of that Act, ^{F8}... ,
- subject to and in accordance with the following provisions of this section.

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- (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—
(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 ^{M4}Railways Act 1993 have the same meaning in this section as in that Part.

Textual Amendments

- F5** 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)
- F6** Words in s. 199(1) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F7** 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)**)
- F8** 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

- I1** S. 199 partly in force: s. 199 in force at Royal Assent (11.11.1999) for certain purposes, see s.425(2)

Marginal Citations

- M3** 1993 c. 43.
M4 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 ^{M5}Railways Act 1993 applies, notwithstanding—
(a) that such a contract can only be entered into on terms approved (with or without modification) by the [^{F9}Office of Rail Regulation] and pursuant to directions given by the [^{F9}Office of Rail Regulation] under that section; and

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- (b) that the terms of the contract may confer on the [F⁹Office 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 [F⁹Office of Rail Regulation] under section 18 of the M⁶Railways Act 1993.
- (3) After section 41 of the M⁷London 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 M⁸Railways Act 1993 applies, notwithstanding—
- that such a contract can only be entered into on terms approved (with or without modification) by the [F⁹Office of Rail Regulation] and pursuant to directions given by the [F⁹Office of Rail Regulation] under that section; and
 - that the terms of the contract may confer on the [F⁹Office 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 [F⁹Office of Rail Regulation] under section 18 of the M⁹Railways Act 1993.”
- (4) In section 4 of the M¹⁰Railways Act 1993 (general duties of the Secretary of State and the [F⁹Office of Rail Regulation]) in subsection (5) (which imposes additional duties on the [F⁹Office 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
- 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”.

Textual Amendments

F9 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)

Marginal Citations

M5 1993 c. 43.
M6 1993 c. 43.
M7 1984 c. 32.

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- M8** 1993 c. 43.
- M9** 1993 c. 43.
- M10** 1993 c. 43.

^{F10}201 Transport for London: contracts requiring passenger licences.

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Textual Amendments

- F10** S. 201 repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 16(1), 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

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

- (1) Section 25(1) of the ^{M11}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

- M11** 1993 c. 43.

Closures

^{F12}203 [^{F11}Strategic Rail Authority] to give copy documents to Mayor.

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Textual Amendments

- F11** 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)**)
- F12** S. 203 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

^{F13}204 Procedure for closure of certain railway passenger services.

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Textual Amendments

- F13** S. 204 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

Miscellaneous

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

- (1) Any franchise agreement entered into under Part I of the ^{M12}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

- M12** 1993 c. 43.

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

- (1) Section 130 of the ^{M13}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

- M13** 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

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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) ^{F14} ...
- (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 ^{M14}Transport and Works Act 1992;

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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.

Textual Amendments

- F14** 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)

- C1** 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)**
- C2** S. 207(2) excluded (E.W.) (25.11.2005) by [The Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, **46(5)** (with arts. 3(5), 15(3))
- C3** S. 207(2) excluded (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 1, **44(6)** (with art. 43)
- C4** S. 207(2) excluded (15.12.2014) by [The London Underground \(Northern Line Extension\) Order 2014 \(S.I. 2014/3102\)](#), arts. 1, **41(5)** (with Sch. 8 para. 45)

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

- M14** 1992 c. 42.

Docklands Light Railway and Croydon Tramlink

208 Docklands Light Railway.

- (1) Section 3 of the ^{M15}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.

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- (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.
 - (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 ^{M16}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

M15 1993 c. viii.

M16 1993 c. viii.

209 The Croydon Tramlink.

- (1) The ^{M17}Croydon Tramlink Act 1994 shall be amended in accordance with subsections (2) to [F15(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 ”.

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- (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.
- (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 ^{M18}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.

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Textual Amendments

F15 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

M17 1994 c. xi.

M18 1994 c. xi.

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