



Greater London Authority Act 1999

1999 CHAPTER 29

PART IV

TRANSPORT

CHAPTER VI

RAILWAYS

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.”

Status: Point in time view as at 03/07/2000.

Changes to legislation: Greater London Authority Act 1999, Cross Heading: Licences, access contracts and franchising is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 Rail Regulator and the Franchising Director, by order grant at any time—
- (a) a licence exemption under subsection (1) of section 7 of the ^{M3}Railways Act 1993, notwithstanding anything in subsection (10) of that section, or
 - (b) 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—
- (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.

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.

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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 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 ^{M6}Railways Act 1993.
- (3) After section 41 of the ^{M7}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 ^{M8}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 ^{M9}Railways Act 1993.”
- (4) In section 4 of the ^{M10}Railways Act 1993 (general duties of the Secretary of State and the Rail Regulator) in subsection (5) (which imposes additional duties on the Rail 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

M5 1993 c. 43.

M6 1993 c. 43.

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M7 1984 c. 32.
M8 1993 c. 43.
M9 1993 c. 43.
M10 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—
 - (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 ^{M11}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 Franchising Director; 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 ^{M12}Railways Act 1993 have the same meaning in this section as in that Part.

Marginal Citations

M11 1993 c. 43.
M12 1993 c. 43.

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

- (1) Section 25(1) of the ^{M13}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

M13 1993 c. 43.

Status:

Point in time view as at 03/07/2000.

Changes to legislation:

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