

**EXPLANATORY MEMORANDUM TO**  
**THE TRANSPORT FOR LONDON (EAST LONDON LINE) TRANSFER**  
**SCHEME 2009 CONFIRMATION ORDER 2009**

**2009 No. 2168**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This instrument confirms the Transport for London (East London Line) Transfer Scheme 2009 (“Transfer Scheme”) made by Transport for London (“TfL”) on 1st July 2009 and approved by the Mayor of London on 18th July 2009. The Transfer Scheme provides for the transfer of property, rights and liabilities relating to the East London Line from TfL and from one of its subsidiaries, London Underground Limited (“LUL”), to another TfL subsidiary, Rail for London Limited (“RfL”). The Transfer Scheme also transfers statutory functions relating to the East London Line from LUL to RfL.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 Section 165 of The Greater London Authority Act 1999 (“GLA Act”) empowers TfL to make schemes for the transfer of property, rights and liabilities between itself and a subsidiary, or between any of its subsidiaries. Such a scheme (referred to in the Act as a “transfer scheme”) shall not take effect unless and until it has been approved by the Mayor of London.
  - 4.2 A transfer scheme may also provide for the transfer of functions under any provision in:
    - (a) a local Act;
    - (b) an order under the Transport and Works Act 1992 (“TWA Order”);
    - or
    - (c) any document made or issued under a local Act or under a TWA Order.
  - 4.3 If a transfer scheme makes such provision for the transfer of functions, the transfer scheme will not have effect unless and until it is confirmed by an order made by the Secretary of State.

4.4 Various East London Railway Acts and TWA Orders relating to the East London Line contain ongoing statutory functions which are exercisable by LUL (including in respect of operation, maintenance and management of the East London Line). The Transfer Scheme provides for the transfer of these statutory functions from LUL to RfL, and the Transfer Scheme shall not have effect unless this instrument is made.

## **5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 TfL is upgrading and extending the existing East London Line railway, which was formerly part of the Underground network. The East London Line is being converted to national rail standards and extended to the north and south to connect at both ends to the national rail network. The responsibility for the operation, maintenance and management of the completed East London Line will sit within TfL's London Rail directorate, which is responsible for TfL's non-Underground railway operations. In order for the London Rail directorate to fulfil these roles, it is necessary for the property, rights and liabilities relating to the East London Line to be transferred to RfL, which is the TfL subsidiary company through which much of London Rail's business is conducted. As the Transfer Scheme includes provisions for the transfer of statutory functions, an order made by the Secretary of State is necessary to give it effect.

## **8. Consultation outcome**

8.1 TfL contacted all of the counter parties to transferring contractual documents, leases and party wall awards identified in the Transfer Scheme by letter, informing them of the proposed transfer of property, rights and liabilities from TfL and LUL to RfL, and inviting them to raise any queries. Other than a small number of acknowledgements of receipt of the letter, no responses querying the transfer have been received.

## **9. Guidance**

9.1 No Department for Transport guidance or other form of publicity is considered necessary other than publication of the new instrument.

## **10. Impact**

10.1 The impact on business, the public sector, third sector organisations, regulators and consumers is nil.

10.2 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 Subject to this instrument entering into force, on the date appointed by the Transfer Scheme the property, rights, liabilities and statutory functions which are the subject of the scheme will be transferred in accordance with the Transfer Scheme's provisions. The Secretary of State does not consider any ongoing monitoring or review to be required in respect of the Transfer Scheme.

## **13. Contact**

Martin Ellis at the Department for Transport Tel: 020 7944 8821 or email: [martin.ellis@dft.gsi.gov.uk](mailto:martin.ellis@dft.gsi.gov.uk) can answer any queries regarding the instrument.