
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 6

MISCELLANEOUS AND GENERAL

Transfer of benefit of Order, etc.

59.—(1) TfL may, regardless of any provision in any enactment, enter into agreements—

- (a) to transfer, charge or otherwise dispose of to another person (“the transferee”) any interest of TfL in the authorised development or TfL’s right to construct, maintain, use or operate the authorised development; or
- (b) to grant to another person (“the grantee”) for a period agreed between TfL and the grantee any interest of TfL in the authorised development or TfL’s right to construct, maintain, use or operate the authorised development; and
- (c) that are connected with or consequential on any agreement entered into under sub-paragraph (a) or (b),

and, with the consent of the Mayor of London, TfL may provide for the transferee, the grantee or another person to exercise or be responsible for any functions of TfL relevant to those agreements, including any of its functions under this Order, either exclusively or concurrently with TfL or any other person.

(2) Any agreement referred to in paragraph (1) may provide (to the extent TfL considers necessary in connection with the design, construction, financing, funding, maintenance, use or operation of the authorised development) for—

- (a) any matters that are connected with the matters referred to in that paragraph or are consequential on them;
- (b) the financing or defraying of, or the making of contributions by TfL or by any other person towards, the cost of designing, constructing, maintaining, using or operating the authorised development;
- (c) TfL to provide services and facilities to the transferee, grantee or any other person on such terms (including as to payment) as the parties think fit; and
- (d) TfL or the transferee, grantee or any other person to provide guarantees, indemnities or any other form of security.

(3) Where an agreement has been made under paragraph (1), references in this Order, or in any document certified under article 65 (certification of documents), to TfL are to be read as including references to the transferee, the grantee or any other person who may exercise, enjoy or be responsible for any functions of TfL pursuant to that agreement.

(4) Paragraph (3) does not apply to—

- (a) the code of construction practice mentioned in paragraph 5 of Schedule 2 (requirements); and

(b) references to “the TfL Board” in Procedure 1 and Procedure 2 of the charging policy.

(5) The exercise by any person further to any agreement made under paragraph (1), of the functions conferred by or under this Order or any other enactment, is subject to the same restrictions, liabilities and obligations as would apply by or under this Order if those powers were exercised by TfL.

(6) Subject to paragraph (7), any consent given by the Mayor of London under paragraph (1) may be given subject to such reasonable terms and conditions as the Mayor considers appropriate in the circumstances.

(7) The Mayor of London must not give consent under paragraph (1) to any proposal for the transfer of any compulsory acquisition or temporary possession function unless the Secretary of State has certified in writing that the Secretary of State is satisfied that the person proposed to exercise or be responsible for that function has sufficient resources to discharge all associated compensation liabilities.

(8) TfL must within 10 business days after entering into an agreement under paragraph (1) in relation to which any functions of TfL in respect of the deemed marine licence granted by article 62 are transferred to another party, notify the MMO in writing, and the notice must include particulars of the other party to the agreement under paragraph (1) and details of the extent, nature and scope of the functions transferred or otherwise dealt with which relate to the deemed marine licence granted under article 62.

(9) In this article—

- (a) “compulsory acquisition or temporary possession function” means any function of TfL under articles 19, 22, 23, 27, 28, 29 and 30;
- (b) “functions” means statutory and other powers, duties, rights, interests and obligations;
- (c) references to the authorised development include references to any land held in connection with the authorised development; and
- (d) references to the authorised development include references to the provisions of this Order relating to the use and operation of the Blackwall Tunnel.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Section 59.