EXPLANATORY MEMORANDUM TO THE

TRANSPORT FOR LONDON (ARLINGTON STREET) ORDER

2004 No.1651

1. This explanatory memorandum has been prepared by The Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The purpose of this instrument is to give the consent of the Secretary of State to the proposed grant of a long leasehold interest in land at Arlington Street, London which London Underground Limited, a subsidiary company of Transport for London, wishes to make. The land at Arlington Street is operational land, and Transport for London (and their subsidiaries) are prohibited from granting long leases of operational land without the consent of the Secretary of State under sections 163 and 164 of the Greater London Authority Act 1999.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The instrument is being made to enable London Underground Limited to enter into an agreement with a developer for a residential development at the Arlington Street site. Sections 163 and 164 of the Greater London Authority Act 1999 restrict the ability of Transport for London and its subsidiaries to sell or grant long leases of operational land by requiring them to obtain the prior consent of the Secretary of State. The Secretary of State is content to give his consent in this case so as to enable London Underground Limited to enter into the agreement. The Arlington Street land contains an escape shaft constructed during the recent Jubilee Line Extension works near Green Park Station, and while it is operational land within the definition in section 163(8), the proposed development (which is principally above ground level) does not impact on the operation of the underground railway.

5. Extent

5.1 This instrument applies to Great Britain.

5.2 The land which is the subject matter of the instrument is in London, SW1.

6. European Convention on Human Rights

6.1 Not applicable to this instrument.

7. Policy background

7.1 This instrument is in keeping with the policy intention behind sections 163 and 164 of the Greater London Authority Act 1999, whereby Transport for London and its subsidiaries should be required to obtain the consent of the Secretary of State before proceeding with a property transaction which involves the sale or grant of a long leasehold interest of its operational land. The Minister has considered the proposals in relation to the land at Arlington Street, and is content to give his consent for the purposes of the 1999 Act.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is that London Underground Limited, a wholly owned subsidiary of Transport for London, will be able to proceed with the grant of a long leasehold interest in respect of its property at 11-15 Arlington Street, London SW1. There is no adverse impact on the public sector under this instrument.

9. Contact

Mr James Chan at the Department for Transport Tel: 020 7944 8819 or e-mail: james.chan@dft.gsi.gov.uk can answer any queries regarding the instrument.