EXPLANATORY MEMORANDUM TO

THE TRANSPORT FOR LONDON (HIGH BARNET SUBSTATION) ORDER 2005

2005 No. 3232

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 disposal of land at Ivere Drive, High Barnet Substation, Barnet, London, EN5 by London Underground Limited ("LUL"), a subsidiary company of Transport for London ("TfL"). The land was formerly operational land, and TfL (and their subsidiaries) are prohibited from transferring such land without the consent of the Secretary of State. The land has been declared surplus by LUL. The Order will allow LUL to dispose of surplus land at and including High Barnet Substation, which will enable redevelopment of the area between Ivere Drive and the Northern line.

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

3.1 None.

4 Legislative Background

4.1 Section 163 of the Greater London Authority Act 1999 prevents the disposal of any operational land by TfL without the prior consent of the Secretary of State. Section 164 of that Act provides that TfL must use its powers to ensure that no subsidiary of TfL does anything which TfL does not itself have power to do (including any thing which it does not have power to do because the consent of the Secretary of State has not been obtained). Any such consent is to be given by statutory instrument. The land at High Barnet Substation was formerly operational land within the definition in section 163(8). The land which is to be transferred comprises of land which was previously occupied by an electricity substation used in connection with the provision of railway services. For the purposes of paragraph 12(1) of Schedule 11 to the Greater London Authority Act 1999, which sets out TfL's powers to dispose of surplus property, the Mayor has confirmed that this land is surplus to operational requirements and can be disposed of.

4.2 Under section 163 the Secretary of State may consent to the disposal of the freehold interest in any land which is or has been operational land.

5 Extent

5.1 This Order 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 LUL, a wholly-owned subsidiary of TfL, owns operational land for essential facilities (such as stations, track and sidings) which are vital for running its services. Under section 163 of the Greater London Authority Act 1999, where TfL wishes to dispose of land which is or has recently been operational land, it must obtain the Secretary of State's consent to do so. By virtue of section 164 of that Act, the same requirement for consent applies to TfL's subsidiaries.

7.2 It is proposed that there will be a re-development of the area between Ivere Drive and the Northern line, which will require the demolition of the substation buildings. The substation has been decommissioned and all the equipment was removed as LUL has moved to a more modern electricity distribution system. LUL has confirmed that no alternative uses were considered appropriate for this land.

7.3 The consent given by this instrument is completely separate from any planning applications which may relate to the site.

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 LUL, a wholly owned subsidiary of TfL, will be able to proceed with the transfer of land at High Barnet Substation, Ivere Drive, Barnet, EN5. There is no adverse impact on the public sector under this instrument.

9 Contact

9.1 Charles Amis at the Department for Transport, Tel: 020 7944 8824, email charles.amis@dft.gsi.gov.uk, can answer any queries regarding the instrument.