**EXPLANATORY MEMORANDUM TO**

**THE TRANSPORT FOR LONDON (SLOANE SQUARE HOUSE) ORDER 2006**

**2006 No.2188**

**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 leasing of the air space on the first and second floor level that currently serves as part of a lightwell at Sloane Square House, Sloane Square, London SW1W 8EG by London Underground Limited ("LUL"), a subsidiary company of Transport for London ("TfL"). The land is operational land, and TfL (and their subsidiaries) are prohibited from granting leases for such land without the consent of the Secretary of State. The land has been declared surplus by LUL. The Order will allow LUL to lease the lightwell at Sloane Square House which will be infilled and used as part of the adjoining commercial property.

## 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 in an order made by the Secretary of State. The lightwell at Sloane Square House is operational land within the definition in section 163(8). 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 must consent to the granting of a lease for longer than 50 years for 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 the airspace on the first and second floor level at Sloane Square House, currently serving as part of a lightwell, will be infilled and used as part of the adjoining commercial property. The proposed tenant is GMV Three Ltd which already leases the adjoining commercial premises from LUL and GMV will be granted a lease for 99 years for the additional space. LUL has confirmed that no alternative transport uses were considered appropriate for this land and that the operation of the station will not be adversely affected by the proposed lease.

7.3 The consent given by this instrument is completely separate from and in addition to 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 a minimal impact on business and none on 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 leasing of the light well at Sloane Square House. 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.