

Office of the PPP Arbiter

Announcement 04/10

31 August 2010

**PPP Arbiter announces the removal of his functions from the BCV and SSL
PPP agreements**

Following the publication of Announcement 03/10 on 12 August 2010, the Arbiter has received a further letter from London Underground indicating that the BCV and SSL PPP Agreements have also been amended in line with the Tube Lines agreement to remove Schedule 1.9 (The Arbiter and Reviews), and to agree that the Parties to these agreements will not exercise their rights under the Greater London Authority Act 1999 to seek guidance or direction from the PPP Arbiter or to seek the appointment of another Arbiter in future. This is attached.

The Arbiter will make a statement about the future of his role and of the Office shortly.

ENDS

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London
WC2B 4AN

Jane Mee
Director of Legal LU
London Underground
55 Broadway
London SW1H 0BD
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Dear Chris

BCV and SSL PPP Agreements

This letter sets out matters upon which London Underground Limited (LUL), LUL Nominee BCV Limited and LUL Nominee SSL Limited (together the **Parties**) have reached agreement.

1. The Parties agree that they do not require the Arbiter to undertake any further preparatory or ancillary work arising out of any matter in relation to the giving of directions and guidance pursuant to sections 229 and 230 of the Greater London Authority Act 1999.
2. The Parties shall amend the PPP Agreements between them on the terms set out in the attached variation pursuant to Schedule 5.8 of those agreements.

Yours sincerely

.....
For and on behalf of LUL

.....
**For and on behalf of
LUL Nominee BCV Limited**

.....
**For and on behalf of
LUL Nominee SSL Limited**

London Underground Limited
trading as London Underground
whose registered office is
55 Broadway
London SW1H 0BD

Registered in England and Wales
Company number 1900907

VAT number 756 2770 08

London Underground Limited is
a company controlled by a local
authority within the meaning of
Part V Local Government and
Housing Act 1989. The controlling
authority is Transport for London.

BCV Schedule 5.8 Change – The Statutory Arbiter and Reviews

BCV|BCV Contract Documents|Service Contract|CONDITIONS OF CONTRACT|PART I: SERVICE ALTERATION PROVISIONS|Review|27.1

~~27.1 The parties shall comply with Schedule 1.9 (The Statutory Arbiter and Reviews).~~

The parties agree that Schedule 1.9 (*The Statutory Arbiter and Reviews*) shall be deleted and have no further effect whatsoever;

27.2 The parties agree that:

- (a) no matter arising out of or in relation to the BCV Contract shall be (or be capable of being) referred by either of the parties at any time to the Statutory Arbiter for:
 - (i) directions pursuant to section 229 of the GLA Act; or
 - (ii) guidance pursuant to section 230 of the GLA Act; and
- (b) neither party shall seek the appointment of a Statutory Arbiter pursuant to section 225(4) of the GLA Act.

SSL Schedule 5.8 Change – The Statutory Arbiter and Reviews

SSL|SSL Contract Documents|Service Contract|CONDITIONS OF CONTRACT|PART I: SERVICE ALTERATION PROVISIONS|Review|27.1

~~27.3 The parties shall comply with Schedule 1.9 (The Statutory Arbiter and Reviews).~~

The parties agree that Schedule 1.9 (*The Statutory Arbiter and Reviews*) shall be deleted and have no further effect whatsoever;

27.4 The parties agree that:

- (a) no matter arising out of or in relation to the SSL Contract shall be (or be capable of being) referred by either of the parties at any time to the Statutory Arbiter for:
 - (iii) directions pursuant to section 229 of the GLA Act; or
 - (iv) guidance pursuant to section 230 of the GLA Act; and
- (b) neither party shall seek the appointment of a Statutory Arbiter pursuant to section 225(4) of the GLA Act.