



London Docklands Development Corporation Act 1994

1994 CHAPTER xiii

PART III

PROTECTIVE PROVISIONS

18 For mutual protection of port authority and Corporation

(1) In this section—

“enactment” includes any provision of any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“harbourmaster” has the meaning given by section 2 of the Port of London Act 1968; and

“subsidiary” has the meaning given by section 736 of the Companies Act 1985.

(2) The exercise in, under or over the river Thames by the Corporation or by any officer of the Corporation of any function conferred or imposed by or under this or any other Act shall be subject to—

(a) any enactment relating to or made by the port authority and the terms of any licence granted by the port authority under section 66 of the Port of London Act 1968; and

(b) the exercise by the port authority or their harbourmaster of any functions conferred or imposed on them or him by or under any enactment.

(3) The exercise within the designated areas (other than the jetties) by the port authority, or by any officer of the port authority, of any function conferred or imposed by or under any enactment shall be subject to—

(a) any enactment relating to or made by the Corporation, including this Act and any byelaw made under this Act; and

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- (b) the exercise by the Corporation or the manager of any functions conferred or imposed on it or him by or under any enactment including this Act or any byelaw made under this Act.
- (4) Subject to subsection (3) above, and to any order made under section 30 (Termination of jurisdiction of port authority) or 32 (Repeal, etc., of legislation of port authority, etc.) of this Act, but notwithstanding any other provision of this Act, the designated areas shall continue to be treated as falling within the limits described in paragraph 2 of Schedule 1 to the Port of London Act 1968.
- (h) (a) Subject to paragraph (b) below, section 28 (Certain waters not to be subject to public rights of navigation) of this Act shall not apply to any right of navigation exercisable by the owners, lessees or occupiers of land which is, at the date of the passing of this Act, owned or leased by the port authority or any subsidiary of the port authority.
 - (b) Any right of navigation which, but for this subsection, would have been extinguished by section 28 shall be deemed to be a private right of navigation for the purposes of section 29 (Extinguishment of private rights of navigation) of this Act.

19 For protection of Canary Wharf Investments Limited and others

- (1) In this section “the company” means any of—
- (a) Canary Wharf Investments Limited;
 - (b) Canary Wharf Limited; or
 - (c) Heron Quays Developments Limited;
- and includes the successors in title to or assigns of the company for the time being in respect of any land within the designated areas.
- (2) The provisions of this Act and of any byelaw made under this Act shall not apply to any land in which the company has as at the date of the passing of this Act a freehold or leasehold interest, or an entitlement to such an interest, without the consent in writing of the company.
- (3) Subject to any consent given under subsection (2) above, nothing in this Act or any order or byelaw made under this Act shall affect any rights, powers or privileges which are vested in, or enjoyed by, the company, or any person deriving title from the company, and which are in existence at the date of the passing of this Act, or any title to or over any lands held at that date by the company or any such person.

20 For protection of The Telegraph plc and others

- (1) In this section “the company” means any of—
- (a) The Telegraph plc;
 - (b) West Ferry Printers Limited; or
 - (c) Mercury Communications Limited;
- and includes the successors in title, lessees, sub-lessees or tenants of the company as occupiers of any part of the designated areas.
- (2) Byelaws made under this Act shall not be enforceable in respect of any land which for the time being is in the occupation of the company without the consent in writing of the company.

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21 For protection of Clippers Quay (Millwall) Management Company Limited

(1) In this section—

“the company” means Clippers Quay (Millwall) Management Company Limited and includes the successors in title, lessees, sub-lessees or tenants of the company as occupiers of any part of the company’s area; and

“the company’s area” means the waters controlled by the company within the designated areas, the boundaries of which are shown edged red on the plan marked “Clippers Quay”, of which copies have been signed on behalf of the Corporation by Robert Gerald Broomfield, the Corporation Solicitor, and on behalf of the company by Simon Raynaud, the company chairman, and deposited respectively in—

- (a) the office of the Clerk of the Parliaments, House of Lords;
- (b) the Private Bill Office of the House of Commons; and
- (c) the Department of the Environment.

(2) Byelaws made under this Act shall not be enforceable in respect of the company’s area without the consent in writing of the company.

22 For protection of telecommunications operators

(1) In this section expressions defined in the Telecommunications Act 1984 have the same meanings as in that Act.

(2) Nothing in this Act or in any byelaw made under this Act shall affect any right of a telecommunications operator under paragraph 9 of the telecommunications code to inspect, maintain, adjust, repair or alter any telecommunications apparatus within the designated areas.

23 Saving for Billingsgate Market

(1) In this section—

“the Act of 1979” means the City of London (Various Powers) Act 1979;

“the Billingsgate Market Acts” has the meaning given by section 10 of the Act of 1979;

“the false quays” means the quays forming part of or adjoining the market, the boundaries of which are shown edged red on the plan marked “False Quays”, of which copies have been signed on behalf of the Corporation by Robert Gerald Broomfield, the Corporation Solicitor, and on behalf of the city corporation by Samuel Jones, the Town Clerk, and deposited respectively in—

- (a) the office of the Clerk of the Parliaments, House of Lords;
 - (b) the Private Bill Office of the House of Commons;
 - (c) the Department of the Environment; and
 - (d) the office of the City Remembrancer at Guildhall in the city of London;
- and

“the market” means Billingsgate Market as established at Trafalgar Way, West India Dock in the London borough of Tower Hamlets pursuant to the Act of 1979 and to the Billingsgate Market Acts, the limits of the market as respects West India Dock aforesaid being shown on the signed plan referred to in section 10 of the Act of 1979.

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- (2) Byelaws made under this Act shall not be enforceable in respect of the market without the consent in writing of the city corporation:

Provided that this subsection shall not apply to—

- (a) any land which after the passing of this Act ceases to be used for the purposes of the market; or
- (b) the land (including the waters and airspace) beneath the false quays.

24 Saving for London City Airport

It shall be the duty of the Corporation, in exercising any power conferred on it by or under this Act, to have due regard to the safe operation of London City Airport and in particular to any requirements made by the Civil Aviation Authority in respect of the airport.

25 Saving for port health authority

Except insofar as this Act otherwise expressly provides, nothing in this Act or in any byelaw made under this Act shall prejudice, alter or affect the functions of the city corporation as port health authority.

26 Saving for fire authority

Notwithstanding the proviso to section 2 (1) of the Petroleum (Consolidation) Act 1928, the local authority empowered to grant petroleum-spirit licences under that Act in the designated areas (other than the jetties) shall be the fire authority.

27 Crown rights

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises the Corporation to take, use, enter upon, or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—
- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or
 - (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.