



Cardiff Bay Barrage Act 1993

1993 CHAPTER 42

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

Miscellaneous and general

23 Regulations to protect interests

- (1) The Secretary of State may by regulations made by statutory instrument make provision for protecting relevant interests of any persons or bodies, or any description of persons or bodies, specified in the regulations; and in this subsection “relevant interests” means interests which may be affected by the exercise of any function conferred or imposed on the Development Corporation under this Act.
- (2) Regulations under subsection (1) above may provide that such a function—
 - (a) shall not be exercisable, or shall be exercisable only, in such circumstances as may be specified in the regulations, or
 - (b) shall be exercisable only if such conditions or requirements as may be so specified are met.
- (3) Before making any regulations under subsection (1) above the Secretary of State shall consult the Development Corporation and any persons or bodies, or representatives of any description of persons or bodies, proposed to be specified in the regulations.

24 Planning permission

- (1) Planning permission shall be deemed to have been granted under Part III of the Town and Country Planning Act 1990 for any development of land consisting in the carrying out of any works or other operations authorised by this Act or the making of any change in the use of land by the carrying out of any such operations.
- (2) Nothing in section 91 of that Act (limit on duration of planning permission) shall apply to the planning permission deemed to have been granted under subsection (1) above.

25 Disapplication of certain statutory requirements

- (1) Section 109 of the Water Resources Act 1991 (controls on structures in, over or under a main river) shall not apply to any structure constructed under any of the powers conferred by section 1 of this Act.
- (2) The inland bay shall not be taken to be a reservoir for the purposes of the Reservoirs Act 1975.

26 Delegation of functions and leases

- (1) The Development Corporation may by agreement under this section delegate to any person any of the functions exercisable by the Development Corporation under section 7, 8, 9, 11, 12, 13, 15, 19 or 20(5) to (8) above or Schedule 6 to this Act.
- (2) Where any of the functions exercisable under section 7, 8 or 9 above or Schedule 6 to this Act are delegated by an agreement under this section, the Development Corporation shall give notice of the delegation to the National Rivers Authority.
- (3) Functions delegated by an agreement under this section shall be exercised in accordance with—
 - (a) the provisions of this Act and regulations made under it, and
 - (b) any such conditions (including conditions requiring the making of payments to the Development Corporation) as the Development Corporation may attach to the delegation.
- (4) The Development Corporation may grant to any person a lease or other interest in or right over land if it appears expedient to do so for the purposes of or in connection with the exercise by him of any function exercisable by him by virtue of an agreement under this section.

27 Development Corporation: transfer of functions

For the purposes of section 165 of the Local Government, Planning and Land Act 1980 (power of urban development corporation to transfer whole or part of undertaking) the functions exercisable by the Development Corporation under or by virtue of this Act, and all related rights and liabilities of the Development Corporation, shall be taken to form part of their undertaking.

28 Service of notices

Section 168 of the Local Government, Planning and Land Act 1980 (provisions about service by an urban development corporation of notices under Part XVI of that Act) shall have effect in relation to any notice required or authorised to be served by the Development Corporation by or by virtue of this Act as if it were so required or authorised by that Part of that Act.

29 Arbitration

Where under any provision of this Act any difference is to be determined by arbitration it shall be referred to and settled by an arbitrator appointed by agreement between the parties or, in default of agreement, by an arbitrator appointed on the application of

either party (after giving to the other not less than one week's notice in writing) by the President of the Institution of Civil Engineers.

30 Crown exemption

- (1) Nothing in this Act shall bind the Crown and, in particular, nothing in it shall authorise any person to acquire, take possession of, use, enter or in any way interfere with any land (including any part of the bed or foreshore of the sea or of the bed or banks of the inland bay) if to do so would affect a Crown interest in the land.
- (2) For the purposes of this section a Crown interest in land is an interest in land which—
 - (a) belongs to Her Majesty in right of the Crown, or
 - (b) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

31 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such a capacity, he (as well as the body corporate) shall be guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.