



# 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 <sup>M1</sup>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.

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*Changes to legislation: There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, Part V. (See end of Document for details)*

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**Marginal Citations**

**M1** 1990 c. 8.

**25 Disapplication of certain statutory requirements.**

- (1) Section 109 of the <sup>M2</sup>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 <sup>M3</sup>Reservoirs Act 1975.

**Marginal Citations**

**M2** 1991 c. 57.

**M3** 1975 c. 23.

**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 [<sup>F1</sup>to the Natural Resources Body for Wales].
- (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.

**Textual Amendments**

**F1** Words in s. 26(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 356](#) (with Sch. 7)

**27 Development Corporation: transfer of functions.**

For the purposes of section 165 of the <sup>M4</sup>Local Government, Planning and Land Act 1980 (power of urban development corporation to transfer whole or part of

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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.

**Marginal Citations**

**M4** 1980 c. 65.

**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.

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### *Supplementary*

#### **32 Financial provision.**

- (1) There shall be paid out of money provided by Parliament the increases attributable to this Act in the sums payable out of such money under any other enactment.
- (2) Any amounts recovered by the Secretary of State from the Development Corporation under this Act shall be paid into the Consolidated Fund.

#### **33 Interpretation.**

- (1) In this Act, except where the context otherwise requires—
  - “the barrage” means the barrage the construction of which is Work No. 1,
  - “the book of reference” means the book deposited in November 1991 in connection with the Cardiff Bay Barrage Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons,
  - “the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in November 1991 in connection with the Cardiff Bay Barrage Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons,
  - “the Development Corporation” means the Cardiff Bay Development Corporation,
  - “exercise” includes perform and cognate expressions shall be construed accordingly,
  - “functions” includes powers, duties and obligations,
  - “the inland bay” has the meaning given by section 1(6),
  - “the limits of deviation” means the limits of deviation which are shown on the deposited plans,
  - “maintenance” includes repair and cognate expressions shall be construed accordingly,
  - “the outer harbour” means the harbour the construction of which is Work No. 3 and (except in Part I) includes the area bounded by the barrage, the breakwaters or other immovable structures of the outer harbour and an imaginary straight line drawn between the breakwaters or other structures which is the shortest such line which can be so drawn,
  - “owner”, in relation to any land, means a person (other than a mortgagee not in possession) who—
    - (a) is for the time being entitled to dispose of the fee simple of the land (whether in possession or in reversion), or
    - (b) holds, or is entitled to the rents and profits of, the land under a lease or agreement,
 and cognate expressions shall be construed accordingly,
  - “the promenade” means the promenade the construction of which is Work No. 2,
  - “street” has the same meaning as in Part III of the <sup>M5</sup>New Roads and Street Works Act 1991,
  - “tidal work” means so much of any work authorised by this Act as is on, over or under tidal waters or land below the level of mean high-water springs

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and “tidal structure” means so much of any structure erected under this Act as is on, over or under tidal waters or such land,

“Trinity House” means the Corporation of Trinity House of Deptford Strond, and

“vessel” means every description of vessel (whether with or without means of propulsion of any kind), and includes anything constructed or used to carry persons, goods or plant or machinery by water, or constructed to be propelled or moved on water, a seaplane on or in the water and a hovercraft (within the meaning of the <sup>M6</sup>Hovercraft Act 1968).

(2) For the purposes of this Act—

- (a) any reference to a work identified by a number is a reference to the work of that number described in Schedule 1 to this Act,
- (b) any reference to a grid reference is to the map co-ordinates on the National Grid used by the Ordnance Survey and shall be construed as if the words “or thereabouts” were inserted after it,
- (c) any reference to operating the barrage shall be construed in accordance with section 7(1), and
- (d) persons are statutory undertakers if they are for the purposes of Part XVI of the <sup>M7</sup>Local Government, Planning and Land Act 1980 and “statutory undertaking” shall be construed accordingly.

[<sup>F2</sup>(3) References in this Act to the City of Cardiff and the Borough of the Vale of Glamorgan shall, subject to paragraph 1(3) of Schedule 7, be construed in relation to the exercise of any functions on or after 1st April 1996 as references to the County of Cardiff and the County Borough of the Vale of Glamorgan respectively.

(4) References in this Act to the Cardiff City Council and the Vale of Glamorgan Borough Council shall be construed respectively as references to the new councils established for the areas of Cardiff and the Vale of Glamorgan under the Local Government (Wales) Act 1994.]

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**Textual Amendments**

**F2** S. 33(3)(4) added (E.W.)(1.4.1996) by S.I. 1996/525, art. 3, **Sch. Pt. I para. 4(3)**

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**Marginal Citations**

**M5** 1991 c. 22.

**M6** 1968 c. 59.

**M7** 1980 c. 65.

**34 Short title.**

This Act may be cited as the Cardiff Bay Barrage Act 1993.

**Changes to legislation:**

There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, Part V.