London Docklands Development Corporation Act 1994

1994 CHAPTER xiii

PART I

PRELIMINARY

1 Short title

This Act may be cited as the London Docklands Development Corporation Act 1994.

2 Interpretation

In this Act, unless the context or subject otherwise requires—

"the Act of 1980" means the Local Government, Planning and Land Act 1980;

"the city corporation" means the mayor and commonalty and citizens of the City of London acting by the common council;

"the Corporation" means the London Docklands Development Corporation;

"daily fine" means a fine for each day or part of a day on which an offence is continued after conviction thereof;

"the deposited map" means the map referred to in section 3 (Extent of Act) of this Act;

"the designated areas" means the harbours or former harbours, docks or former docks, waterways and other lands described in Schedule 1 to this Act, together with the jetties, all of which are designated by and situated within the limits of jurisdiction, but does not include the waters lying beneath Rotherhithe Street bridge in the London borough of Southwark;

"functions" includes powers and duties;

"the jetties" means the jetties and other works in the river Thames vested in or under the control of the Corporation situated within the limits of jurisdiction and described in Schedule 2 to this Act;

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"the limits of jurisdiction" means the limits delineated by a red line on the deposited map;

"the manager" means the officer appointed by the Corporation to manage the designated areas or any part thereof and includes his authorised deputies and assistants and any person authorised by the Corporation to act in that capacity;

"the port authority" means the Port of London Authority;

"the river Thames" means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the limits of the Port of London as defined in the Port of London Act 1968, and does not include the waters enclosed in the docks and in the other areas described in Schedule 1 to this Act;

"vehicle" means a vehicle of any description and includes a trailer, caravan or machine of any kind drawn or propelled along or over Land whether by animal or mechanical power, and includes a hovercraft within the meaning of the Hovercraft Act 1968 or any other amphibious vehicle;

"vessel" means a ship, boat or raft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and includes a hovercraft within the meaning of the Hovercraft Act 1968 or any other amphibious vehicle or a seaplane; and

"the waterside" means the roads, bridges, docks, quays, stages, wharves, steps and river walls together with the jetties and all other works and lands (not being lands covered by water) within the designated areas.

3 Extent of Act

(1) The limits within which the Corporation shall have and may exercise the functions conferred on it by this Act, and within which the powers of the manager may be exercised, shall comprise the designated areas.

(2) If there be any discrepancy between the deposited map and the descriptions in Schedules 1 and 2 to this Act, the deposited map shall prevail but, for the avoidance of doubt, the designated areas do not extend to any part of the bed of the river Thames below the level of mean high water from time to time, or the waters or airspace above any such part, except for the area occupied from time to time by the structures of the jetties.

(3) Copies of the deposited map certified by the chief executive of the Corporation to be true shall be receivable in all civil or criminal proceedings and elsewhere as evidence of the contents of the deposited map.

PART II

MANAGEMENT AND REGULATION OF CERTAIN LANDS AND WATERS

4 General powers as to designated areas

(1) Subject to the provisions of this Act, the Corporation may preserve, maintain, regulate, manage and improve the designated areas and provide services, and facilities afforded therein, or in connection therewith, as it considers necessary or desirable and take such action as it considers incidental to the preservation, maintenance, regulation,

management and improvement of the designated areas and the provision of such services and facilities.

(2) Without prejudice to the generality of the foregoing, the Corporation shall have power to do all such things as in its opinion are necessary or desirable for the proper discharge of the functions conferred or imposed on it by or under this Act and in particular to carry out dredging within so much of the designated areas as is covered by water.

(3) Nothing in this section shall authorise the Corporation to do anything on any land without the agreement of the occupier of the land.

5 General duty as to designated areas

(1) It shall be the duty of the Corporation, in formulating or considering any proposals relating to its functions under this Act, to have regard to the desirability of securing the use of the designated areas for a diversity of purposes which may include sporting, recreational, cultural, commercial, energy-related and navigational purposes.

(2) Subject to the need to ensure the proper management of the designated areas, the Corporation shall not unreasonably promote the use of the designated areas for any of the purposes mentioned in subsection (1) above to the serious disadvantage of the use thereof for any of the other purposes so mentioned.

(3) Subject to the need to ensure the proper management of the designated areas, the Secretary of State shall have regard to the duty of the Corporation set out in subsection (1) above before confirming any byelaw submitted to him in accordance with section 10 (Byelaws: procedural provisions) of this Act.

(4) No legal proceedings shall be brought, with regard to any byelaw made under this Act, in respect of any failure or alleged failure by the Corporation or the Secretary of State to comply with the duty imposed by subsection (2) or, as the case may be, subsection (3) above after the expiration of a period of 72 days beginning with the date upon which the byelaw is confirmed.

6 Duty to regulate and manage

It shall be the duty of the Corporation, so far as is reasonably practicable, to regulate and manage the designated areas in accordance with the provisions of this Act and any byelaw made under section 9 (Byelaws) of this Act.

7 Duty as to waterside

Subject to the provisions of this Act, it shall be the duty of the Corporation, in formulating or considering any proposals relating to its functions under this Act, to have regard to the desirability of securing and maintaining public access to the waterside.

8 Charges

(1) The Corporation may make, demand and recover such reasonable charges for services and facilities provided by it at the designated areas as it may from time to time determine.

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(2) The services and facilities referred to in subsection (1) above shall include the use by any vessel of any waters comprised in the designated areas.

(3) Nothing in subsection (1) above shall authorise the Corporation—

(a) to make any charge for the use of moorings situated within any part of the designated areas which is owned by or leased to any person other than the Corporation; or

(b) to make any charge for the use in any manner of any part of the waterside by any person by whom that part is owned or leased, other than a reasonable charge in respect of any consent to such use required by this Act or byelaws made under this Act; or

(c) to make any charge for the use of the waters comprised in the designated areas by any vessel used by members of a police force or officers of the fire authority whilst in the exercise of their duties as such.

9 Byelaws

(1) The Corporation may make byelaws for the good rule and government of the designated areas and, without prejudice to the generality of the foregoing, for all or any of the purposes set out in Schedule 3 to this Act.

(2) Byelaws made under this section may be expressed to be applicable within all or any part of the designated areas.

(3) Before making byelaws under this section in respect of any part of the designated areas the Corporation shall consult—

(a) the London borough council for that part;

(b) the port authority;

(c) the city corporation as port health authority and as a market authority for Billingsgate Market; and

(d) the London Fire and Civil Defence Authority.

(4) Byelaws shall not be made under this section which relate to—

(a) land forming part of a highway maintainable at the public expense, without the consent of the highway authority; or

(b) land which is a walkway within the meaning of Part III of the Greater London Council (General Powers) Act 1969, without the consent of the borough council in whose area the walkway is situated.

10 Byelaws: procedural provisions

(1) The provisions of sections 236 (3) to (8) and (11) and 238 of the Local Government Act 1972 shall apply to any byelaw made by the Corporation under this Act and the said section 238 shall have effect as if the expression “proper officer” referred to the chief executive of the Corporation.

(2) In its application to this section, subsection (7) of section 236 of the said Act of 1972 shall have effect as if, after the words “the confirming authority may confirm”, there were inserted the words “with or without modifications” and as if, at the end of that subsection, there were added the following proviso:—

"Provided that where the Secretary of State proposes to make a modification to a byelaw which appears to him to be substantial he shall inform the Corporation and require it to take any steps which he considers to be necessary for informing persons likely to be concerned with the modification; and he shall not confirm the byelaw until such period has elapsed as he thinks reasonable for the consideration of, and comment upon, the proposed modification by the Corporation and by any other persons who have, or are likely to have, been informed of it.".

11 Penalties for offences under byelaws

Byelaws made under section 9 (Byelaws) of this Act may provide that a person contravening any such byelaw shall be liable on summary conviction to such fine as may be specified as respects that byelaw, being a fine not exceeding—

(a) level 3 on the standard scale in the case of an offence against a byelaw which is stated in the byelaws to be a byelaw to protect the safety of members of the public; and

(b) level 2 on the standard scale in the case of any offence against any other byelaw;

and in addition, in the case of a continuing offence, a daily fine not exceeding—

(i) in the case of byelaws such as are referred to in paragraph (a) above, one-tenth of level 3; or

(ii) in the case of byelaws such as are referred to in paragraph (b) above, one-tenth of level 2.

12 Control of craft in designated areas, etc

The provisions of Schedule 4 to this Act for the control of craft in the designated areas, and related matters, shall have effect.

13 Regulation of placing things on waterside

(1) Any person who, without lawful authority, places any structure or object so as to obstruct the free passage over any part of the waterside to which the public have access shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and in addition, in the case of a continuing offence, a daily fine not exceeding one-tenth of that level.

(2) Nothing in subsection (1) above shall apply to anything done on any land by or with the consent of the occupier of the land.

14 As to section 161 of Water Resources Act 1991

Section 161 of the Water Resources Act 1991 (anti-pollution works and operations) shall have effect in relation to the designated areas as though references to the Authority included references to the Corporation.

15 Obstruction of officers

Any person who—

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(a) intentionally obstructs the manager or any other officer of the Corporation acting in pursuance of this Act, or of any byelaw made under or by virtue of this Act; or

(b) without reasonable excuse fails to comply with a requirement properly made by any such person so acting; or

(c) without reasonable cause fails to give to any such person so acting any information which he may reasonably require for the purpose of the performance of his functions; or

(d) in giving such information as aforesaid makes a statement which he knows to be false;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

16 Defence of due diligence

(1) In any proceedings for an offence under this Act or any byelaw made under this Act it shall be a defence for the person charged to prove—

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or

(b) that he had a reasonable excuse for his act or failure to act.

(2) If, in any case, the defence provided by subsection (1) (a) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, not less than 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in his possession.

17 Removal of offenders

If any person wilfully continues to breach any provision of this Act or of any byelaw made under this Act after being requested to desist from so doing by a police officer or by the manager or any other person authorised by the Corporation to enforce those provisions, it shall be lawful for the manager or any police officer to remove such person, together with any vehicle or vessel under his control, from the designated areas.

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

(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

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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.

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.

(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)—

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(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.

PART IV

MISCELLANEOUS AND GENERAL

28 Certain waters not to be subject to public rights of navigation

Subject to section 18 (For mutual protection of port authority and Corporation) of this Act, but notwithstanding anything in any other enactment, agreement or rule of law, the waters comprised in the designated areas shall not be subject to any public rights of navigation.

29 Extinguishment of private rights of navigation

(1) The Corporation may by notice in writing under this section extinguish any private rights of navigation over the waters comprised in the designated areas.

(2) A notice under this section—

(a) shall specify the rights to which it relates;

(b) shall be served on every person, being the owner or occupier of lands within or adjoining the designated areas, whom the Corporation believes to be—

(i) a person entitled to exercise the rights to which the notice relates; or

(ii) a person claiming to be entitled to such exercise;

(c) shall state that the rights specified in the notice shall be extinguished with effect from a date so specified; and

(d) shall draw attention to the entitlement to compensation created by subsection (5) below.

(3) Any private right of navigation specified in a notice under this section shall be extinguished with effect from the date specified in the notice.

(4) Section 220 of the Water Resources Act 1991 shall apply to notices under this section as it applies to documents required or authorised to be served by virtue of that Act.

(5) Any person who suffers loss by reason of the extinguishment, by virtue of a notice under this section, of any private right of navigation shall be entitled to be paid by the Corporation compensation to be determined, in case of dispute, by the Lands Tribunal; and the tribunal shall in determining the compensation take into account any contractual right offered by the Corporation in substitution for the right which is extinguished.

(6) No claim shall be brought pursuant to subsection (5) above after three years from the date of the service of the notice.

30 Termination of jurisdiction of port authority

(1) Subject to subsection (2) below, the Secretary of State may by order made under this section provide that the port authority shall, to the extent specified in the order, cease to exercise jurisdiction over the designated areas, or any part thereof, as conservancy or harbour authority with effect from such day as may be specified in the order.

(2) Nothing in any order made under this section shall apply to the jetties.

31 Alteration of limits of jurisdiction

(1) In this section "the urban development area" means the area for which the Corporation is for the time being the urban development corporation.

(2) The Secretary of State may by order made under this section alter the designated areas, as defined in section 2 (Interpretation) of this Act, so as to—

(a) include within the designated areas for the purposes of this Act any area of land in the London borough of Newham, Southwark or Tower Hamlets which for the time being is—

(i) situated within, or adjacent to, the urban development area; or

(ii) adjacent to any land which, not being situated within or adjacent to the urban development area, is adjacent to any land for the time being comprised in the designated areas;

(b) remove from the designated areas any land for the time being comprised in those areas.

32 Repeal, etc., of legislation of port authority, etc

If it appears to the Secretary of State that, in consequence of the vesting in the Corporation at any time (whether before or after the date of the passing of this Act) of any land in the designated areas which is or was formerly vested in the port authority—

(a) any enactment conferring functions on that authority with respect to that land should be amended or repealed; or

(b) any such functions with respect to that land should be transferred to the Corporation;

he may by order amend or repeal the enactment or vest those functions in the Corporation.

33 Transfer of functions of Corporation

(1) Notwithstanding any other provision of this Act or any provision of the Act of 1980, the Secretary of State, on the application of the Corporation, may by order at any time transfer to any person ("the transferee") with the agreement of that person all or any of the functions conferred or imposed on the Corporation by or under this Act.

(2) Following any transfer under subsection (1) above, the transferee shall have all the rights, liabilities and obligations to which the Corporation is entitled or subject in relation to the functions transferred; and any agreement to which the Corporation is a party that relates wholly or partly to the functions transferred and is in force immediately before the date of the transfer shall to the extent that it relates to those functions have effect on and after that date as though references in it to the Corporation were or, as the case may require, included references to the transferee.

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34 Orders: procedural provisions

(1) This section applies to any order made under the following sections of this Act:—
section 30 (Termination of jurisdiction of port authority);
section 31 (Alteration of limits of jurisdiction);
section 32 (Repeal, etc., of legislation of port authority, etc.); or
section 33 (Transfer of functions of Corporation).

(2) The power to make an order under the sections mentioned in subsection (1) above shall be exercisable by statutory instrument.

(3) An order made under any of the sections mentioned in subsection (1) above may contain such transitional, incidental, supplementary or consequential provisions as the Secretary of State considers necessary or expedient.

(4) No order shall be made—
(a) under section 30;
(b) under section 31 so as to include any area of land vested in the port authority; or
(c) under section 32;except with the consent of the port authority.

(e) (a) No order shall be made under section 31 so as to include any land forming part of an inland waterway of the British Waterways Board, or any other land vested in that Board, except with the consent of the said Board.
(b) For the purposes of this subsection, "inland waterway" means any canal or inland navigation belonging to or under the control of the British Waterways Board and includes any works, lands or premises belonging to or under the control of that Board and held or used by them in connection with such canal or inland navigation.

(6) Before making an order under section 31, to include any land within the limits of jurisdiction, or under section 33, to transfer to any person all or any of the functions conferred or imposed on the Corporation by or under this Act, the Secretary of State shall consult the borough council for the area where that land is situated or to which those functions relate.

(7) An order under section 31 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) An order under section 33 shall not be made unless a draft of the order has been laid before Parliament and been approved by a resolution of each House of Parliament.

35 Management arrangements

(1) The Corporation may enter into and carry into effect agreements with any person with respect to the discharge of all or any of the functions conferred or imposed on the Corporation by or under this Act.

(2) The exercise of the powers of any enactment by any person in pursuance of any agreement under subsection (1) above shall be subject to the same restrictions, liabilities and obligations as would apply under this Act if those powers were exercised by the Corporation.

36 Corporation's undertaking

The functions conferred or imposed on the Corporation by or under this Act shall form a part of the undertaking of the Corporation for the purposes of sections 165 and 166 of the Act of 1980 (which relate to the transfer of undertakings and dissolution of urban development corporations).

37 Annual reports

As soon as possible after the end of each calendar year and in any event not later than 6 months after the end of such year the Corporation shall prepare and publish a report on the discharge of its functions under this Act during that year and shall submit a copy of such report to the Secretary of State; and the Corporation shall make copies of such report available for purchase by members of the public at a reasonable charge.

38 Restriction on powers of Corporation

For the purposes of section 138 of the Act of 1980 (which permits restrictions to be imposed on the exercise of the powers of an urban development corporation under that Act) that section shall apply to the powers of the Corporation conferred by or by virtue of this Act as if they were powers under that Act.

39 Provisions as to dissolution of Corporation

For the purposes of section 166 of the Act of 1980 (which provides for the dissolution of an urban development corporation following the transfer of all of its property, rights and liabilities by one or more relevant instruments) any transfer under section 33 (Transfer of functions of Corporation) of this Act shall be deemed to be a transfer by a relevant instrument within the meaning of section 166.

40 Status of Corporation

The Corporation shall not be a navigation authority, harbour authority or conservancy authority for the purposes of the Water Resources Act 1991 or the Land Drainage Act 1991 or any byelaw made under either of those Acts and section 23 of the Land Drainage Act 1991 shall apply to any works carried out or maintained under or in pursuance of this Act or any byelaw made under this Act.