



# London Docklands Development Corporation Act 1994

## 1994 CHAPTER xiii

### 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.

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- (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.

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### **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.

### **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.

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- (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

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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.