

**EXPLANATORY MEMORANDUM TO  
THE URBAN REGENERATION AGENCY (LONDON DEVELOPMENT  
AGENCY) TRANSFER SCHEME 2000 (MODIFICATION) ORDER 2007  
2007 NO. 1789**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government.

**2. Description**

2.1. The Urban Regeneration Agency (London Development Agency) Transfer Scheme 2000 (“the Scheme”), among other matters, transferred to the London Development Agency certain land belonging to the Urban Regeneration Agency. This Order modifies the Scheme by providing that the transferred land shall be deemed to have been vested in the London Development Agency (“the LDA”) under the Regional Development Agencies Act 1998 (“the RDA Act”). The effect of the modification is that the rights and powers conferred by Schedule 6 to that Act and other provisions in that Schedule have effect in relation to the transferred land.

2.2. In accordance with section 413 of the Greater London Authority Act 1999, the Order provides that the Scheme shall be deemed to have come into force with the modification made by the Order.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1. None

**4. Legislative background**

4.1. Schedule 6 to the RDA Act contains supplementary provisions about land vested in or acquired by a regional development agency under the RDA Act. Because the Scheme was made under section 409(2) of the Greater London Authority Act 1999 (rather than under the RDA Act), there is doubt as to whether the provisions of Schedule 6 have effect with respect to the transferred land. It is important that those provisions, which have effect by

virtue of section 23 of the RDA Act, should have effect with respect to the land transferred by the Scheme (*paragraph 7 explains the significance of these provisions*).

4.2. The Order is made in exercise of the powers conferred by sections 409(1) and (6) and 413(1) and (2) of the Greater London Authority Act 1999.

4.3. Section 409 empowers the Secretary of State to make in a transfer scheme any provision that can be made by order under section 408(1). Section 408(1) allows provision to be made for or in connection with a transfer of property, rights and liabilities.

4.4. The powers in sections 409(6) and 408(1) could have been exercised to make provision in the Scheme for Schedule 6 to the RDA Act to have effect with respect to the transferred land. Section 413(1) and (2) empower the Secretary of State to modify a transfer instrument to make such provision as could have been made by the instrument when it was made. Consequently, the Secretary of State may in exercise of that power modify the Scheme to provide that it shall be deemed to have come into force with provision for Schedule 6 to have effect with respect to the transferred land.

## **5. Extent**

5.1. This instrument applies to England.

## **6. European Convention on Human Rights**

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *Policy*

7.1. The Scheme was made by the Urban Regeneration Agency on 22 June 2000 and was approved by the Secretary of State on 27 June 2000.

- 7.2. The Scheme transferred to the LDA, among other things, certain freehold and leasehold land belonging to the Urban Regeneration Agency. The Scheme came into effect 3 July 2000, which was the date on which the LDA was established. The land is specified in Part 1A of Schedule B to the Scheme and comprises a large proportion of the whole of the LDA's portfolio of land held for non-Olympic development.
- 7.3. The land includes a variety of strategically important sites in East London, particularly in the Docklands. The development of these sites is indispensable to achieving the policy objectives of the LDA set out in its development strategy, corporate plan and the Mayor of London's London Plan. The effective development of land in the exercise of statutory powers may require statutory authority to override easements that adversely affect the land or restrict the way in which it may be developed or used, or interfere with other such rights and interests vested in other persons (including public rights of way).
- 7.4. Such statutory authority is conferred on the regional development agencies, including the LDA, by provisions in Schedule 6 to the RDA Act, and is found in other statutes conferring developmental powers on a public body. Provision is made for the payment of compensation where such authority is exercised.
- 7.5. Without the statutory authority outlined in paragraph 7.3, the LDA's ability to develop the land effectively and economically may be put at risk. This is partly because the rights and interests of other persons over the land may defeat or delay development or result in excessive payments for their discharge. It is also because the legal and practical uncertainty generated by such rights and interests may undermine the confidence of developers and funders whose participation in the development of the land will be critical.
- 7.6. The Order will ensure that the LDA has the same rights and powers to develop the land transferred under the Scheme as it has with respect to other land transferred to or acquired by it.

### *Consultation*

7.7. Section 413(3) of the Greater London Authority Act 1999 requires the Secretary of State to consult all bodies which, and all persons who, she considers may be affected by an order made to modify a transfer scheme.

7.8. In accordance with this requirement, the Government Office for London wrote to the following bodies on 1 March 2007 explaining the effect and reasons for making the Order and inviting representations and asking them to bring the letter to the attention of anyone else who might have an interest in the Order:

- the Greater London Authority;
- the LDA;
- the Port of London Authority;
- the London Borough Councils;
- the Common Council of the City of London.

The deadline for responses was 13 April 2007.

7.9. As part of the consultation process the Government Office for London also arranged for the publication of a suitable notice in the Evening Standard and the London Gazette and set up the website referred to in paragraph 7.1 of this Memorandum.

7.10. The only communications received in response to the consultation were received from the LDA, which welcomed the proposal to make the Order, and Camden Borough Council, which enquired whether the order would confer any new, general powers on the LDA.

7.11. The only rights or interests known to have been granted which may adversely affect the land or restrict its development are contained in a deed dated 5 March 1940 between the Port of London Authority and West Ham Council. This deed has been lost, and no copy or abstract has been found. The Port of London Authority and Newham Borough Council, as successor to West Ham Council, entered into a deed of release, which released the land

affected by the deed from such rights or interests as they were entitled to exercise. The extent of any remaining rights or interests cannot now be discovered.

## **8. Impact**

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

9.1. Andrew Short at the Government Office for London, Floor 7, Riverwalk House, 157-161 Millbank, London SW1P 4RR (email: [Andrew.SHORT@gol.gsi.gov.uk](mailto:Andrew.SHORT@gol.gsi.gov.uk) or telephone 0207 217 3425) can answer any queries regarding the instrument.