



London Docklands Development Corporation Act 1994

1994 CHAPTER xiii

An Act to confer powers on the London Docklands Development Corporation for the management and regulation of certain lands and waters within its area, together with other lands and waters; and for other purposes. [21st July 1994]

WHEREAS—

- (1) By virtue of the Local Government, Planning and Land Act 1980, the London Docklands Development Corporation (hereinafter referred to as “the Corporation”) was established by the London Docklands Development Corporation (Area and Constitution) Order 1981 as the urban development corporation for an area designated by that order lying within Greater London and comprising parts of the London boroughs of Newham, Southwark and Tower Hamlets for the purpose of securing the regeneration of its area:
- (2) It is the view of the Corporation that the powers conferred by this Act will advance the securing of such regeneration:
- (3) There are within the area of the Corporation various lands and waters formerly consisting of operational docks of the Port of London Authority (of which certain waters are now no longer accessible for navigation) which are used for aquatic sports and leisure activities, and by recreational and other craft:
- (4) It is expedient that the Corporation should be empowered to manage and regulate such lands and waters, together with other areas:
- (5) It is expedient that the other provisions contained in this Act be enacted:
- (6) A map marked “Deposited Map” showing the limits of jurisdiction of the Corporation as proposed to be designated by this Act has been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the councils of the London boroughs of Lewisham, Newham, Southwark and Tower Hamlets:
- (7) The objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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;

“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;

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“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

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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.
- (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.

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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