Draft Order laid before Parliament under section 34(8) of the London Docklands Development Corporation Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

URBAN DEVELOPMENT

The London Docklands Development Corporation (Transfer of Functions) Order 1998

Made - - - -	*1998*
	in accordance with
Coming into force - -	*article 1*

Whereas the London Docklands Development Corporation has made an application to the Secretary of State under section 33(1) of the London Docklands Development Corporation Act 1994(**1**) (transfer of functions of Corporation);

And whereas the councils of the London boroughs of Southwark and Tower Hamlets, the British Waterways Board, and the Royal Docks Management Authority Limited have each agreed to the transfer to them of the functions conferred or imposed on the London Docklands Development Corporation by or under that Act which are transferred to each of them respectively by this Order;

And whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 33(1) and 34(3) of the London Docklands Development Corporation Act 1994, and of all other powers enabling him in that behalf, having consulted the councils of the London boroughs of Newham, Southwark and Tower Hamlets (which are the borough councils for the areas to which the functions transferred by this Order relate)(**2**), hereby makes the following Order —

Citation and commencement

1.—(1) This Order may be cited as the London Docklands Development Corporation (Transfer of Functions) Order 1998 and shall come into force subject to paragraph (2) on 31st March 1998.

(2) If this Order is not made until after 30th March 1998, it shall come into force on the day after that on which it is made, instead of on 31st March 1998.

(**1**) 1994 c.xiii.
(**2**) *See* section 34(6) of the London Docklands Development Corporation Act 1994 ("the 1994 Act").

Interpretation

2. In this Order—

"the 1994 Act" means the London Docklands Development Corporation Act 1994 and, unless the context otherwise indicates, references in this Order to sections are to sections of the 1994 Act;

"Area" means any of the following—

(a) Area 1, comprising the areas shown bounded externally by red lines on Map 1;

(b) Area 2, comprising the areas shown bounded externally by red lines on Map 2;

(c) Area 3, comprising the areas shown bounded externally by red lines on Map 3; or

(d) Area 4, comprising the areas shown bounded externally by red lines on Maps 4 and 5;

each of which is part of the designated areas(**3**);

"the Corporation" means the London Docklands Development Corporation;

"the functions" means the functions conferred or imposed on the Corporation by or under the 1994 Act;

"Map 1", "Map 2", "Map 3", "Map 4", and "Map 5" are the five maps respectively so labelled and which are collectively entitled "Maps referred to in the London Docklands Development Corporation (Transfer of Functions) Order 1998", one set of which, signed by an Under Secretary in the Government Office for London, has been deposited and is available for inspection at the offices of—

(a) the Department of the Environment, Transport and the Regions;

(b) the council of the London borough of Southwark;

(c) the council of the London borough of Tower Hamlets;

(d) the British Waterways Board; and

(e) RODMA;

"RODMA" means the company registered by the name of the Royal Docks Management Authority Limited with the registered number 2363622; and

"relevant transferee" means—

(a) in relation to Area 1, the council of the London borough of Southwark;

(b) in relation to Area 2, the council of the London borough of Tower Hamlets;

(c) in relation to Area 3, the British Waterways Board; and

(d) in relation to Area 4, RODMA.

Transfer of functions

3. Subject to the following provisions of this Order, in relation to each Area the functions are hereby transferred to the relevant transferee, and—

(a) references in the 1994 Act to an officer of the Corporation shall be construed as references to an officer or an employee of the relevant transferee;

(b) except in sections 2, 12, 13, 19, 20, 21, 22, and 31 references in the 1994 Act to the designated areas shall be construed as references to the Area and references to the waterside shall be construed as references to so much of the waterside as is within the Area;

(**3**) For the meaning of "the designated areas" see section 2 of the 1994 Act. The designated areas were altered by the London Docklands Development Corporation (Alteration of Designated Areas) Order 1998 (S.I. 1998/).

(c) references in the 1994 Act to the manager shall be construed as references to the manager appointed by the relevant transferee to manage the Area or any part of the Area and includes his authorised deputies and assistants and any person authorised by the relevant transferee to act in that capacity; and

(d) anything which before the date of the coming into force of this Order was in the process of being done by, to or in relation to the Corporation in connection with any of the functions may be continued after that date by, to or in relation to the relevant transferee.

Deposited maps

4. Copies of the maps, and copies of the deposited map referred to in section 3, certified by an officer or an employee of the relevant transferee to be true shall be receivable in all civil or criminal proceedings and elsewhere as evidence of the contents of the maps or deposited map, as the case may be.

Byelaws

5.—(1) Any byelaws made under section 9 before the date of the coming into force of this Order, shall continue in force after that date as if, in relation to an Area or part of an Area, they had been made by the relevant transferee.

(2) Subsections (3)(a) and (4)(b) of section 9 shall not apply in relation to byelaws to be made by a council of a London borough.

(3) For the purposes of section 10(1), section 238 of the Local Government Act 1972(**4**) shall have effect as if the expression "proper officer"—

(a) in relation to the British Waterways Board, referred to an employee of the Board appointed for the purposes of section 238; or

(b) in relation to RODMA, referred to the company secretary of RODMA; or

(c) in relation to the council of the London borough of Southwark or the council of the London borough of Tower Hamlets, had the same meaning as in section 270(3) of the Local Government Act 1972.

Restrictions on powers

6.—(1) The Secretary of State may give directions to a relevant transferee for restricting the exercise by it of any of its powers under the 1994 Act or for requiring it to exercise those powers in any manner specified in the directions.

(2) Before giving a direction under paragraph (1) above, the Secretary of State shall consult the relevant transferee, unless the Secretary of State is satisfied that because of urgency consultation is impracticable.

(3) A transaction between a person and a relevant transferee acting in purported exercise of its powers under the 1994 Act shall not be void by reason only that it was carried out in contravention of a direction given under paragraph (1) above, and such a person shall not be concerned to see or enquire whether a direction under that paragraph has been given or complied with.

Enactments

7. In relation to a relevant transferee, references to "any enactment" in paragraphs 4(1) and 5(2) of Schedule 4 to the 1994 Act shall be construed as references to the 1994 Act and any other enactment specifically referred to in the 1994 Act.

(**4**) 1972 c. 70.